



9 October 2018

Dear Sir/Madam

A meeting of the Council will be held on Wednesday, 17 October 2018 in the New Council Chamber, Town Hall, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:

- E H Atherton
- S A Bagshaw
- D Bagshaw
- L A Ball BEM
- J S Briggs
- T P Brindley
- M Brown
- D A Burnett BEM
- B C Carr
- S J Carr
- M J Crow
- E Cubley
- T A Cullen
- R H Darby
- J A Doddy
- S Easom
- D A Elliott
- L Fletcher
- J C Goold
- M Handley
- J W Handley
- A Harper

- G Harvey
- R I Jackson
- E Kerry
- S Kerry
- H G Khaled MBE
- L A Lally
- P Lally
- W J Longdon
- R D MacRae
- G Marshall
- J K Marsters
- J W McGrath
- P J Owen
- J M Owen
- J C Patrick
- M E Plackett
- M Radulovic MBE
- C H Rice
- K E Rigby
- R S Robinson
- P D Simpson
- A W G A Stockwell

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 16

To approve as a correct record the minutes of the Council meeting held on 18 July 2018.

4. MAYOR'S ANNOUNCEMENTS

5. YOUTH MAYOR'S REPORT ON BROXTOWE YOUTH VOICE ACTIVITIES

6. PRESENTATION OF PETITIONS

7. LEADER'S REPORT

8. PUBLIC QUESTIONS

9. MEMBERS' QUESTIONS

10. MEMBERS' SPEECHES ON WARD ISSUES

11. QUESTIONS ON OUTSIDE BODIES

12. NOTICE OF MOTION

The following Notice of Motion has been received from Councillors M Radulovic MBE, Councillor S J Carr and Councillor R D MacRae:

“The Labour and Liberal Democrat groups, in addition to the Independent member, wish to place on record their concern at the predatory attitude of Nottinghamshire County Council regarding its desire to abolish district councils in the County of Nottinghamshire and that Conservative members of Broxtowe Borough Council have pre-determined that a unitary council is somehow in the best interests of the citizens of Broxtowe. The controlling group has:

- Failed to enable democratic discussion in Broxtowe on the important issue of local government reorganisation in a timely and constructive manner
- Totally disregarded strongly held local views and opinions
- Disregarded the risk that the whole of Broxtowe may be swallowed up by the City of Nottingham
- Caused distress and uncertainty to many hard working employees of Broxtowe Borough Council
- Initiated an unwelcome distraction from the important business of delivery of high quality local services.

Therefore, this Council is asked to resolve to inform Nottinghamshire County Council of its opposition to further local government reorganisation in Nottinghamshire.

13. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

To make appointments to committees and working groups.

14. REFERENCE

14.1 Finance and Resources Committee

PAGES 17 - 18

11 October 2018

Members' Allowances – Ad Hoc Committee

To inform the Committee of its previous deliberations with regard to the Ad Hoc Committee, regarding the level of allowances payable to members following the recommendations of the Independent Remuneration Panel.

Due to the meeting being held before the despatch of this agenda the decision will be reported at the meeting. The recommendation considered by the Finance and Resources Committee is shown below.

The Committee is asked to CONSIDER the report and RECOMMEND to Council accordingly.

15. NUTHALL NEIGHBOURHOOD PLAN

PAGES 19 - 106

To seek authority to hold a referendum into the Nuthall Neighbourhood Plan as modified, and then to make (adopt) the plan in the event of a 'yes' vote.

16. LIBERTY LEISURE PAGES 107 - 124

To receive two recommendations from the Board of Liberty Leisure in relation to the amendment of the Articles of Association and the appointment of a further Director, following a Board meeting held on 22 August 2018.

17. BEESTON TOWN HALL PAGES 125 - 128

To report back on the outcome of the final round of community bidding and to recommend accordingly.

18. EXCLUSION OF PUBLIC AND PRESS

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

19. LIBERTY LEISURE - APPOINTMENT OF DIRECTOR: FURTHER INFORMATION PAGES 129 - 134

20. COMMON SEAL

The Council is asked to RESOLVE that the Common Seal be affixed to or the Proper Officer do sign on behalf of the Council, where appropriate, any orders, deeds or documents necessary to give effect to any resolutions of the Council or Committee.

COUNCIL

18 JULY 2018

Present: Councillor Derek A Burnett BEM, Chair

Councillors: E H Atherton, D Bagshaw,
L A Ball BEM, J S Briggs, M Brown, B C Carr,
S J Carr, M J Crow, E Cubley, T A Cullen,
R H Darby, J A Doddy, S Easom, D A Elliott,
L Fletcher, J C Goold, A Harper, G Harvey,
R I Jackson, E Kerry, S Kerry, H G Khaled MBE,
L A Lally, P Lally, W J Longdon, R D MacRae,
G Marshall, J K Marsters, J W McGrath, P J Owen,
J M Owen, J C Patrick, M E Plackett,
M Radulovic MBE, C H Rice, K E Rigby,
R S Robinson, P D Simpson and
A W G A Stockwell.

Also in attendance: A Russell, Youth Mayor and W Mee, Deputy Youth Mayor.

Apologies for absence were received from Councillors S A Bagshaw, T P Brindley, M Handley and J W Handley.

13. DECLARATIONS OF INTEREST

The following Councillors declared pecuniary interests in agenda item 14.2 due to their involvement with organisations which intended to apply for inclusion in the Broxtowe Lotto: E H Atherton, D Bagshaw, D A Elliott, A Harper, E Kerry, H G Khaled, L A Lally, P Lally, G Marshall, J K Marsters, R D MacRae, J W McGrath, J C Patrick, M E Plackett and P D Simpson, minute number 26.b refers.

14. MINUTES

The minutes of the meeting held on 16 May 2018 were confirmed and signed as a correct record. It was noted that the Broxtowe Action Fund had closed down and no further appointments through Outside Bodies were necessary.

15. MAYOR'S ANNOUNCEMENTS

The Mayor gave a résumé of his engagements since the last Council meeting, which included his attendance at numerous engagements and a variety of fundraising events.

The Mayor referred to the recent death of former Broxtowe Borough Councillor Peter Tysome. Members and officers held a minute's silence as a mark of respect.

16. VOTE OF THANKS

A vote of thanks to the Mayor was proposed by Councillor M Radulovic MBE and seconded by Councillor R I Jackson for the lifesaving work he voluntarily undertakes through the organisation District Community First Responders. On being put to the vote the motion was carried.

17. YOUTH MAYOR'S REPORT ON BROXTOWE YOUTH VOICE ACTIVITIES

The Youth Mayor, Alfie Russell, updated the meeting on the work of Broxtowe Youth Voice which included work on a programme designed to provide skills for young people and provide them with information necessary in later life. The Youth Mayor had also undertaken work on a booklet for Broxtowe schools that would be used to assist young people to pick up valuable life skills.

18. PRESENTATION OF PETITIONS

No petitions were presented.

19. LEADER'S REPORT

The Leader presented his report and stated that he attended the freedom parade on Armed Forces Day when soldiers and veterans from 170 (Infrastructure Support) Engineer Group marched through the town to exercise their freedom of entry to the Borough. The following day at St Mary's Church in Attenborough a service was held to commemorate the centenary of the Chilwell Shell Filling Factory explosion which killed over 130 people.

The volunteers and local businesses that had been involved in the Beeston street art project were congratulated. The Finance and Resources Committee had approved funding for the largest of these street art projects on a wall facing Station Road.

The Housing Committee had considered consultation responses and approved proposals for a new Independent Living Service which the Policy and Performance Committee subsequently endorsed. Each resident would be offered a needs assessment and a personalised plan which was flexible and tailored to the individual enabling them to remain independent.

The Pride in Parks scheme was continuing with £47,500 worth of play area improvements recently being carried out at Redbridge Drive, Nuthall. As part of the initiative Nuthall Parish Council was the first of the parish councils to complete one of its projects within the Scheme, the installation of new handrails to the pavilion at Basil Russell Playing Field.

There were plans for the refurbishment of the play area at Leyton Crescent in Beeston. Over £110,000 would be invested for the refurbishment. The play area will benefit from a complete refurbishment the first in 20 years.

The Council had committed to tackling single use plastics, with members having approved a new Single Use Plastic Action Plan at the Leisure and Environment Committee in June. The Plan was designed to help support local, national and global efforts to reduce the use of single use plastics.

The financial out turn for the 2017/18 year presented a positive picture and much hard work had improved the Council's financial position. The reserves were boosted to a healthy position of £6,053,523.

20. PUBLIC QUESTIONS

- a) The following question had been submitted by Debby Pitchfork for the Chair of the Housing Committee:

"The Council's Garage Strategy put forward the option of demolishing garages in order to redevelop land for affordable housing. Can you please explain how the sale of land at Redwood Crescent to a developer who then wants to rent them out for over £1,000 per month fits with this?"

The Chair of the Housing Committee stated that he had taken legal advice and was currently unable to provide a response to the question.

- b) The following question had been submitted by Bob Pitchfork for the Chair of the Policy and Performance Committee:

"When did you first become aware of possible improprieties in the way that the sale of land at Redwood Crescent was handled and how did you attempt to rectify that situation for the benefit of residents?"

The Chair of the Policy and Performance Committee stated that he was currently unable to answer the question as it related to matters which were the subject of internal proceedings. When those proceedings were concluded, a better response would be provided but he assured local residents that the Council was actively engaged in trying to get a satisfactory solution to the issues at Redwood Crescent.

- c) The following question had been submitted by K M Johnson for the Chair of the Housing Committee:

"Whilst some garage sites have been sold off, others, such as those on Long Lane, were actually re-landscaped. The reason given was anti-social behaviour. Can you please provide details of what that behaviour entailed and provide copies of correspondence with your ward residents concerning this matter?"

The Chair of the Housing Committee responded by stating that the objectives of the Garage Strategy 2015-202, which included carrying out improvements to garage sites, followed the Policy adopted by the previous administration.

As a ward councillor, and following a history of anti-social behaviour at the Long Lane garage site, the Chair had asked for a solution to improve the situation. Shrubs were initially trimmed to a lower level, but quickly regrew and continued to provide

screening to the garage forecourt area. As a last resort, the shrubs were removed and had been successful in eliminating the problem, as were similarly successful results at

the Long Lane Recreation Ground where action had been previously taken. New trees were planted in accordance with Broxtowe's desire to improve the environment by planting more trees across the Borough.

The Chair stated that residents did not always wish to communicate in writing and if this was a question regarding a decision not to redevelop the Long Lane site, this was investigated, as were all sites. There were significant services running through the site that meant that the site was not viable for redevelopment. The protocol for collection and removal involved an initial inspection by front line staff to identify possible sources.

For enforcement action, the Council's Legal Team had advised that each case would be considered on its merits. The evidence gathered and presented for enforcement had to be sufficient for court purposes. In relation to prosecutions with respect to tipping on housing land, a successful prosecution has been brought this year against a Council tenant involving anti-social behaviour legislation, which had been reported through the press.

For tipping on public land, if evidence was presented it is reported through to the Public Protection Team which arranged for the Neighbourhood Wardens to gather evidence and pursue enforcement options. If evidence was sufficient culprits are prosecuted and the courts impose penalties.

Regarding housing land, the Tenancy and Estates Team had confirmed that when the Estates and Management Team had identified a source, the costs of collection and disposal were recharged to an individual.

In relation to the final part of the question, the cost of collection and disposal of fly tipping in the main falls on the tax payer.

- d) The following question had been submitted by David Johnson for the Chair of the Policy and Performance Committee:

"Can you categorically state here and now that no one connected to Precision Homes, Advance Precision Homes or Land Development Group, as they are now called, will be sold land belonging to the Council in the future?

The Chair of the Policy and Performance Committee responded by stating that in disposing of land, the Council would have to have regard to its adopted policies and would comply with relevant legislation. Furthermore, the Chair could not give the categorical assurance requested but could say that he had been advised that, where appropriate, the historical performance on previous developments of a potential purchaser was capable of being a relevant factor when taking decisions on land disposals.

- e) The following question had been submitted by Kristopher Poole for the Chair of the Policy and Performance Committee:

“In response to a Freedom of Information Request regarding Redwood Crescent, I was informed that no research had been conducted into the financial or previous history of Precision Homes or its directors. In addition, the option agreement signed between Council and developers contained no conditions on the developer to ensure that the development was completed within a set time scale. Is this normal practice for the sale of Council-owned land?”

The Chair of the Policy and Performance Committee stated that the main safeguard for a Council when selling land was that possession would not be given until the agreed price was fully received. On a small-scale disposal, extensive due diligence investigations on purchasers would not normally be undertaken. It was possible to place time limits within an option agreement for performance of particular obligations but, generally, an option was always time limited anyway and if a vendor insisted on placing constraints on purchasers in a subsequent transfer agreement, this may affect the sale price through imposing additional risk on the purchaser.

- f) The following question had been submitted by Lindsay Clay for the Chair of the Policy and Performance Committee:

“What procedures and oversight were in place in 2016 to ensure that those responsible for handling the sale of Council assets complied with the Council's statutory duties regarding the sale of open space, the tendering process and obtaining the best consideration for council owned land?”

The Chair of the Policy and Performance Committee stated that the Council's Constitution and Standing Orders relating to contracts regulate the disposal of land. Depending on the value of land, disposals should be approved by a relevant committee of the Council, usually the Policy and Performance Committee. This Committee may grant delegations to officers relating to the manner and form of disposal. Disposal should conform to all necessary statutory requirements. The Council's internal and external audit regimes provide oversight, and in the event of breach of procedure if necessary the Council's disciplinary process was invoked.

21. MEMBERS' QUESTIONS

- a) The following question had been submitted by Councillor R S Robinson for the Chair of the Policy and Performance Committee:

"Can the Chair of the Policy and Performance Committee explain what this Council is seeking to achieve specifically from the HS2 Project, and what immediate benefits as a result of HS2 will flow to the Borough"?

The Chair of the Policy and Performance Committee responded that the Council was seeking to achieve significant inward investment in the Borough with the expectations set out in Policy 3.2 of the Part 2 Local Plan. This was the most extensive Policy in the whole plan and had resulted from dialogue from the Chetwynd Neighbourhood Forum, colleagues on the HS2 Strategic Board and various infrastructure providers including HS2, the County Council and Highways England.

The expectations included a space for an expanded or potentially relocated George Spencer Academy including a leisure hub, a new community centre, health centre and neighbourhood scale retail centre, a transport system that flowed for all modes of

transport with improved connections to nearby towns including Stapleford, a multimodal transport hub adjacent to the station, a tram extension to the station, extensive multi-purpose Green Infrastructure routes, the creation of an innovation village as part of a mixed use development and the re-location of the plant nursery, electricity substation, sewage works and DB Cargo/Network rail depot off the site.

The more immediate benefits within the next five years comprised the delivery of 500 homes including affordable housing, the undergrounding of the electricity pylons and significant education contributions to George Spencer Academy.

A supplementary question was submitted by Councillor Robinson which queried whether there would be benefits for the north of the Borough. The Chair of the Policy and Performance Committee responded by stating that the site would be well connected in ways that would be more efficient than by using a tram. The benefits would be regional rather than just local.

- b) The following question had been submitted by Councillor J K Marsters for the Chair of the Community Safety Committee:

“Great initiative the 'Litter from Cars' a problem which is prevalent outside local schools in Eastwood. My question is how is this going to be policed to be able to issue fines to the perpetrators and stamp out the problem?”

The Chair of the Community Safety Committee responded by stating that since the resolution to adopt the new regulations was taken at the last Community Safety Committee, officers had been working to finalise proper procedures to allow action to be taken, including the necessary steps for appeals. Once these were complete, training would be given to the Neighbourhood Wardens initially, and then potentially other front-line officers. The plan would be for the wardens to provide a statement in respect of any situation where they saw a clear breach of the legislation. However, if it was identified that there was a problem with littering from cars in a particular location, the Council would endeavour to ensure the Neighbourhood Wardens undertook some patrols in those places at the appropriate times.

- c) The following question had been submitted by Councillor J C Patrick for the Chair of the Finance and Resources Committee:

“Universal Credit will be rolled out across the Borough this November but many of us had not realised it has already arrived in parts of the north of the Borough including Awsworth from June. Can you tell us what arrangements have been made to support those claiming Universal Credit, particularly those who have neither the ability nor facilities to access it without considerable support, and may already be in rent arrears to the Council? Can you also tell us whether those who are already claiming Universal Credit are in rent arrears to the Council and how much it is?”

The Chair of the Finance and Resources Committee responded that there had been no new applications for Universal Credit (UC) in 2018 and there had been a continued reduction in the number of people receiving UC. The Department for Works and Pensions (DWP) had confirmed that there was a reduction of approximately 6% per week in the number of people receiving UC in Broxtowe. Although the DWP was not able to specify the exact reason for this, it was likely to be as a result of claimants returning to work or increasing their working hours.

Although the roll out of UC had currently stopped, the Council continued to prepare for the full service roll out in the area. The current proposals of full service roll out were based on the Job Centre location and not the Local Authority. As a result of this, there would be two roll outs within Broxtowe, as those who were expected to attend Heanor Job Centre went 'live' on 13 June 2018. Claimants expected to attend Beeston Job Centre would 'go live' in November 2018.

In preparation of the roll out, a Welfare Reform Group had been established within the Council. This included internal officers from Benefits, Rents, Housing and Quality and Control Teams. External stakeholders had also been involved, most notably from the Citizens Advice Broxtowe team. Future meetings would also include the local Job Centre Managers and the DWP UC Liaison Officer. The group has been established to identify the services within the Borough that could assist with the roll out of UC and ensure that residents received the appropriate support, with a significant emphasis on personal budgeting and assisted digital support. Due to the close working relationship with Erewash Borough Council, Broxtowe Borough Council would be able to utilise some of the lessons learned in their preparation for full service rollout.

All relevant Broxtowe staff had received appropriate training on UC and would be available to support residents who were experiencing difficulty under the new process. Working with the DWP, the Council will host a number of stakeholder workshops around UC as the relevant date approached.

Prior to the next Full Council meeting on 17 October 2018, a briefing session for all members on the implementation of UC would take place.

The Council received grants from the DWP to help claimants of UC who required personal budgeting support and digital assistance. The Council had been informed that it was to receive £28,546 for this in 2018/19. The Welfare Reform Group had investigated alternatives for the best use of this grant funding and considered that Citizens Advice Broxtowe (CAB) was best placed to provide the required support for those residents who are not Broxtowe tenants. The CAB would provide this support through a dedicated Welfare Benefits Caseworker working 30 hours per week at a cost of £19,550 per annum with funding from the DWP grant income. It was proposed that the position commenced from 1 August 2018 for an initial one year period and that any funding not utilised in 2018/19 was carried forward into 2019/20 for this purpose. The Council did not currently hold the relevant information on claimants on UC who were in rent arrears.

A supplementary question was submitted by Councillor Patrick which queried whether residents who were being asked to make payments in November would receive special assistance.

The Chair stated that it was understood that this would be a difficult time to implement the system due to the potential for Christmas spending but the Council would offer the best advice it could.

- d) The following question had been submitted by Councillor G Marshall for the Chair of the Finance and Resources Committee:

"At the Policy and Performance Committee meeting on 4 July, Councillor Radulovic asked for details of the other charges expenditure of £256,826 in the HRA summary

on page 43. I therefore request a full response to Council and an explanation for this spending.”

The Chair of the Finance and Resources Committee responded that at the Policy and Performance Committee meeting on 4 July 2018, Councillor Radulovic asked for details of the Other Charges expenditure of £256,826 in the HRA summary. This is comprised of Insurance Premium £175,720, Council Tax on Empty Properties £42,089, Write Off of Former Tenants Arrears £38,474 and Premium on Early Repayment of Debt £543.

A supplementary question was submitted by Councillor Marshall which queried whether there were any out of control erroneous payments. The Chair of the Committee responded by stating that they were all nominal payments.

- e) The following question had been submitted by Councillor R D MacRae for the Chair of the Housing Committee:

“We are having issues with flytipping at several hot spots in Stapleford at the minute due to the actions of a few residents, it is well known who these culprits are and I am forever having to report this flytipping to the Council. So my question is are these people passed on the charge for collection of the items that they are dumping because no sooner is it cleared away they are putting more rubbish out. Or is it being cleared away at the cost of the taxpayer?”

The Chair of the Housing Committee responded by stating that Borough wide there were approximately 1,000 incidents of fly tipping each year, the nature of which could vary from bin bags to large quantities deposited by lorries. The annual cost of collection and disposal was between approximately £15,000 and £20,000.

At the hot spots in Stapleford the tipping was predominantly household goods, and mainly items of furniture. The Council strategy for responding to this illegal behaviour was to remove fly tipping as soon as was practically possible, reducing the incentive for it to be added to.

If the tipping occurred on public land responsibility for clearance rested with the Environment Department’s Street Cleansing teams and if the tipping took place on public housing land responsibility resided with the Housing Departments Area Caretakers.

The protocol for collection and removal involved initial inspection by front line staff to identify possible sources. For enforcement action, the Council’s Legal Team advised that each case would be considered on its merits and evidence gathered and presented for enforcement had to be sufficient for Court purposes. In relation to prosecutions and tipping on housing land, a successful prosecution this year had been brought against a Council tenant which involved anti-social behaviour legislation which had been reported through the press.

For tipping on public land, if evidence was present it would be reported to the Public Protection Team who would arrange for the Neighbourhood Wardens to gather evidence and pursue enforcement options. If evidence was sufficient culprits would be prosecuted in the Courts who would impose penalties.

A supplementary question was submitted by Councillor MacRae which queried method by which the Council informed residents on flytipping.

The Chair responded by stating that an item could be included in Tenant and Leaseholder Matters.

- f) The following question had been submitted by Councillor A W G A Stockwell for the Chair of the Finance and Resources Committee:

“In light of recent reports on social media can the Chair of the Finance Committee please explain what the situation is with the General Fund Reserves since 2015?”

The Chair of the Finance and Resources Committee responded by stating that the Council’s General Fund balance at the end of the previous four financial years was as follows:

31 March 2015 – £4.338m
31 March 2016 – £4.135m
31 March 2017 – £4.746m
31 March 2018 – £6.054m

The Council had other General Fund reserves as follows:

31 March 2015 – £1.233m
31 March 2016 – £0.852m
31 March 2017 – £0.803m
31 March 2018 – £0.245m

Bringing both the General Fund balance and the other General Fund reserves as mentioned would produce the following:

31 March 2015 – £5.571m
31 March 2016 – £4.987m
31 March 2017 – £5.549m
31 March 2018 – £6.299m.

- g) The following question had been submitted by Councillor D Bagshaw for the Chair of the Jobs and Economy Committee:

“As you are aware great concern has been expressed by councillors and members of the public about the general appearance and state of the former Co-op site in Eastwood Town Centre. Councillor Radulovic has requested that a Section 215 Notice be served on the Co-op for failure to maintain in a fit and proper condition. Could the Chairman please give me an update on when this will be taken to Committee and dealt with formally? Also, the site of the former Council Offices on the corner of Nottingham Road and Plumtre Way is also giving concern about its state, appearance and condition. Will the Chairman act by issuing a Section 215 Notice on the Police Authority. Finally, Councillor Radulovic has also raised concerns over the land to the rear of Nottingham Road which is also untidy with overgrown trees and in a potentially dangerous situation. Will the Chairman also give a status update on that land?”

The Chair of the Jobs and Economy Committee responded by stating that with regard to the Co-op site, the Co-op estates managers were in regular contact with the Council and were fully cooperating. They were actively seeking tenants and it was hoped this situation would be resolved soon. The Planning Department was in receipt of an enforcement case on the site, which, if necessary, would be brought to a planning meeting after the summer, as there were no planning meetings before then.

The former site of the Council offices on the corner of Plumpton Way was no longer in the Council's ownership, following the sale of the land to the police. The Regeneration Manager had been in contact with the owners trying to sell this land, and the owners were unwilling to sell it under market value. Consequently, this site had remained in its current state and become overgrown. The Council was actively attempting to get this site redeveloped, and would keep members updated accordingly. Councillor Radulovic MBE was asked to elaborate on which area of land to the rear of Nottingham Road he was referring to in order to ensure the Planning Department researched the matter further.

Councillor Bagshaw submitted a supplementary question which asked for the Chair of the Jobs and Economy Committee to commit to writing to both of the areas' MPs and the Secretary of State asking for greater powers to assist in local authorities and local members achieving a better, cleaner environment for all. In response, the Chair agreed that members should work together to achieve productive outcomes.

- h) The following question had been submitted by Councillor J W McGrath for the Chair of the Jobs and Economy Committee:

"On Friday the 18th of May an elderly gentleman was knocked down and killed at the top of my street. Both a tragedy and a horrible event for his wife and family. I hope the Council feel the same way as I do regardless of the circumstances until the authorities have concluded their investigations we as a Council must support certain things that I believe as well as the people of Stapleford could result in the possibility of there being another tragedy. I would like the support of this Council for a 20mph speed limit through the town centre, 7.5 lorry weight limit to be upheld and a traffic review into the number of bumps and free car parking spaces. I have brought up my concern about the number of shops we are granting permission to turn into residential flats. This is causing concern for the residents in the affected areas. As I was asked at a previous meeting the Town Council fully supports what I am suggesting, we do have a traffic and transport group once chaired and supported by Mr Heptinstall. The group now chaired by Cllr MacRae and other members of the Stapleford community need our two County councillors to at least recognise and turn up at these meetings. We as Borough councillors are willing to meet anyone from the county to talk and show what problems are arising which are still falling on deaf ears. Both our two county councillors do not respond to Richard's requests, have I got the support of this Council and if yes what committee will sanction a report?"

The Chair of the Jobs and Economy Committee stated that as the question covered the responsibilities of three different committees the Chair of the Policy and Performance Committee would be better placed to answer the question. The Chair of the Policy and Performance Committee agreed and stated that the Borough Council was indeed horrified to hear of the tragic accident, but the other matters raised by

Councillor McGrath fell within the remit of Nottinghamshire County Council/Via East Midlands as highway authority.

With regard to free car parking the Borough Council had progressively introduced free car parking in Stapleford since 2015. In October 2015 it introduced an experimental 'free after 3' scheme in all four Borough Council car parks. It also made Halls Road car park free on Saturdays. In September 2016 it made permanent the 'free after 3' scheme and made parking free in the other three Borough Council car parks after noon on Saturdays.

The remaining car park charges covered the cost of operating, lighting, maintaining and managing the car parks. Should further free car parking be introduced then more of these costs would need to be borne by the General Fund, potentially the council tax payer. On-street car parking was free and a number of private operators offered free car parking, although these are mostly associated with their customers.

Councillor McGrath submitted a supplementary question which requested that consideration be taken of the priority within the Sustainable Communities Strategies regarding there being fewer accidents on the road.

The Chair of the Policy and Performance Committee responded that many town and parish councils had their own Speedwatch facilities and all wanted to see a reduction in accidents.

22. MEMBERS' SPEECHES ON WARD ISSUES

Councillor T A Cullen updated members on issues in Beeston Rylands which included information concerning Redwood Crescent and garage sites. It was stated that there was uncertainty for residents over the future of the site.

23. QUESTIONS ON OUTSIDE BODIES

- a) The following question had been submitted by Councillor M Radulovic MBE for Councillor L A Ball BEM, the Council's representative on the Health and Well Being Board.

"According to the latest estimates from the Alzheimer's Society approximately 850,000 people in Great Britain are currently suffering the terrible effects of dementia, of which 25,000 are under the age of 60. Will Councillor Ball in her response, outline what measures are being put in place to enhance services and give appropriate funding to ensure they have a good quality of life and does she therefore, like me, condemn those authorities that have cut vital services to those who suffer from dementia?"

Councillor Ball BEM responded that she'd had close personal experience of caring for people with Alzheimer's disease and she had a sincere belief that people with the disease should be supported.

Councillor Radulovic MBE submitted a supplementary question which asked if Councillor Ball and Councillor Doddy, as Chair of the Health and Wellbeing Board, would condemn authorities that cut services in this area.

In response, Councillor Ball BEM stated that this should not be an area in which services were cut.

24. NOTICE OF MOTION

No motions had been received.

25. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

There were no appointments to committees or working groups.

26. REFERENCES

a) Housing Committee - 14 March 2018
HOUSING REVENUE ACCOUNT - UPDATE TO BUSINESS PLAN MODEL

The Committee reviewed the Housing Revenue Account (HRA) financial model and the 2018/19 budget and changes that have taken place over the past year. It was noted that the Council were required to produce a 30 year business plan for the HRA which required further updating during each financial year.

RESOLVED that the updated financial model for the Housing Revenue Account be approved.

b) Policy and Performance Committee - 4 July 2018
BROXTOWE LOTTO - DELEGATION OF AUTHORITY TO APPROVE GOOD CAUSES

On 15 February 2018 the Council's Finance and Resources Committee agreed to establish a local lottery, now known as the Broxtowe Lotto. To date, the Broxtowe Lotto had received its licence number from the Gambling Commission, had the criteria for participation by good causes agreed and released a press release encouraging good causes to participate.

Preparations were underway for a promotional launch on 18 July 2018 at which good causes would sign up to the Lotto. Members were informed that the Commercial Manager was the only person whom the Gambling Commission recognised as a 'qualified person' within the Council and all contact with the Gambling Commission must go through the Commercial Manager. For that reason and for purposes of a quick turnaround, it was proposed that the Commercial Manager was responsible for identifying which good causes met Broxtowe's criteria for inclusion in the Lotto.

RESOLVED that authority be delegated to the Commercial Manager, in consultation with the three group leaders, to approve good causes which wish to participate in the Broxtowe Lotto.

(Having declared a pecuniary interest in the item Councillors E H Atherton, D Bagshaw, D A Elliott, A Harper, E Kerry, H G Khaled MBE, L A Lally, P Lally, G

Marshall, J K Marsters, R D MacRae, J W McGrath, J C Patrick, M E Plackett and P D Simpson left the meeting without discussion or voting thereon.)

27. LOCAL DEVELOPMENT SCHEME

The current Local Development Scheme was produced in May 2017 and needed updating to reflect the forthcoming submission of the Council's Part 2 Local Plan.

RESOLVED that the updated Local Development Scheme, incorporating the timetable referred to in the appendix, will have effect from 19 July 2018.

28. REPORT ON PROGRESSING THE BROXTOWE PART 2 LOCAL PLAN TO SUBMISSION

The Jobs and Economy Committee had considered a number of reports in relation to the Part 2 Local Plan, and in December 2017 a summary of comments received was reported to the Jobs and Economy Committee. Members considered the report and the following comments were amongst those made:

- The danger of not having a plan would lead to unfettered developments in the most profitable parts of the Borough. The young and elderly have the right to a good home, in addition to anybody else who needs one.
- It was the duty of the Council to formulate a Local Plan. The school site in Bramcote was not a new school, but just a rebuild and land in the Borough had been sacrificed to protect Nuthall.
- There were positive outcomes for Broxtowe, these included the rebuilding of the school, a five-year land supply and protection for Green Belt sites. The risk of rejection was too great as it would involve risking sites in the Borough.
- There was great concern for the residents of Awsworth. Walking and cycle routes would remain unused and further work should be undertaken around traffic and road conditions.
- There was a need for houses but there was concern over transport facilities.
- The Neighbourhood Plan in Stapleford had been ignored.
- The Council had done well not to follow the approach taken by Rushcliffe Borough Council.
- The leading group had always accepted the need for a five-year plan but throughout the eight-year process amendments have been made. The Council could not accept a situation in which it lost control of the planning process. Support for the Plan would protect Green Belt land.
- There was no need for as many as 6,150 properties.

Councillor R I Jackson proposed that the vote be put. This was seconded by Councillor A Harper.

A recorded vote was called for. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
E H Atherton	B C Carr	L A Lally
D Bagshaw	S J Carr	P Lally
L A Ball BEM	R D MacRae	J W McGrath
J S Briggs	J K Marsters	C H Rice
M Brown	K E Rigby	
D A Burnett		
M J Crow		
E Cubley		
T A Cullen		
R H Darby		
J A Doddy		
S Easom		
D A Elliott		
L Fletcher		
J C Goold		
A Harper		
G Harvey		
R I Jackson		
E Kerry		
S Kerry		
H G Khaled MBE		
J M Owen		
P J Owen		
J C Patrick		
M E Plackett		
M Radulovic MBE		
R S Robinson		
P D Simpson		
A W G A Stockwell		

The motion, on being put to the meeting, was carried.

(Councillors W J Longdon and G Marshall left the meeting before voting thereon.)

RESOLVED that:

- 1. The Submission Part 2 Local Plan Development Plan Document be approved and its accompanying information and duly made representations as listed in Appendix 2 to this report be submitted to the Secretary of State for Examination in Public.**
- 2. The Head of Neighbourhoods and Prosperity in consultation with the Chair of the Jobs and Economy Committee be authorised to submit all necessary supporting evidence and approve any further changes to the Part 2 Local Plan including drafting or other minor editing changes which do not materially affect the approved policies.**
- 3. The Head of Neighbourhoods and Prosperity in consultation with the Chair of the Jobs and Economy Committee be authorised to consider and approve consultation on any changes required to the Part 2 Local Plan to make it sound as a result of the Examination in Public.**

4. **The Inspector be requested to recommend any modifications which are necessary to make the Part 2 Local Plan sound, under section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended).**

29. REVISIONS TO THE CONSTITUTION

A review of the Council's constitution was being undertaken and members considered the first tranche of revisions being brought forward for approval. This concerned revisions to the Council Procedure Rules, which included a proposal for the rules to be re-named as Standing Orders.

RESOLVED that the revisions to the current Council Procedure Rules and their renaming as 'Standing Orders' be approved.

30. COMMON SEAL

RESOLVED that the Common Seal be affixed to or the Proper Officer do sign on behalf of the Council, where appropriate, any orders, deeds or documents necessary to give effect to any resolutions of the Council or Committees.

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Report of the Interim Deputy Chief Executive

MEMBERS' ALLOWANCES – AD HOC COMMITTEE

1. Purpose of report

To inform the Committee of its previous deliberations with regard to the Ad Hoc Committee, regarding the level of allowances payable to members following the recommendations of the Independent Remuneration Panel.

2. Background

At the Council meeting held on 1 March 2017 members formed two new committees, namely the Ad Hoc Committee and the Investigating and Disciplinary Committee.

At its meeting on 15 February 2018 the Finance and Resources Committee considered a recommendation from the Independent Remuneration Panel with regard to the two new committees. The meeting resolved to recommend to Full Council that 'allowances to members of the Ad Hoc and the Investigatory and Disciplinary Committees be reviewed when all processes relating to the investigation have been concluded.' Council resolved to agree with this recommendation at its meeting on 7 March 2018.

3. Detail and financial implications

The Ad Hoc Committee met a total of nine times between 27 July 2017 and 25 July 2018 before reaching its conclusion on a number of employment matters. The Independent Remuneration Panel's consideration of the two new committees is provided in the appendix in addition to financial implications.

Recommendation

The Committee is asked to CONSIDER the report and RECOMMEND to Council accordingly.

Background papers

Nil

APPENDIXAd Hoc Committee and Investigating and Disciplinary Committee

The Independent Remuneration Panel considered the remits of the two new committees that were formed at the Council meeting held on 1 March 2017. It was agreed that chairs of the committees be paid in line with the Licensing and Appeals Committee (£2,712 p.a.) as this was the closest comparable payment for a committee Chair with quasi-judicial responsibilities over disciplinary issues. It was further agreed to recommend that each committee member who was not a Chair receive a payment in line with members of the Alcohol and Entertainments Committee (£678 p.a.).

It was also recommended that these payments should only be triggered when each Committee meets. It was suggested that payments be received allowing for the Ad Hoc Committee's work over a 12 month period. Should this be the case, a total of £10,848 would be allocated from the members' allowances budget.

Report of the Chief Executive

NUTHALL NEIGHBOURHOOD PLAN

1. Purpose of report
To seek authority to hold a referendum into the Nuthall Neighbourhood Plan as modified, and then to make (adopt) the plan in the event of a 'yes' vote.
2. Background
Following an Independent Examination into the Nuthall Neighbourhood Plan the Examiner has concluded her examination of the plan and recommends that it proceeds to referendum with a number of required modifications. The Inspector's report, including her required modifications, is included in appendix 1, the Nuthall Neighbourhood Plan as amended is included in appendix 2, and the Draft Decision Statement is included in appendix 3.
3. Detail
The Nuthall Neighbourhood Plan is the result of several years' work from the Parish Council and the steering group and they have consistently followed advice from officers in the Broxtowe Planning team to ensure that at the point of submission their plan was in accordance with the necessary legal and procedural requirements and in particular that there was no conflict with strategic policies of the Council's Local Plan. The examiner concludes her report by stating;

'I congratulate the Parish Council for producing a Plan which seeks to address the local circumstances in a distinctive way and provide a positive way forward for the next 12 years. The policies in the Nuthall Neighbourhood Plan should greatly assist development management decision-making related to land and property in the Parish.'
3. Financial considerations
Following a decision to proceed to a referendum the Borough Council can apply for £20,000 central government money to hold the referendum. This will be sufficient to cover the costs and although there is an application process, it is not expected that an application will be refused. If it is refused there is sufficient money in existing budgets.

Recommendation

Council is asked to RESOLVE that:

1. All of the findings of the Nuthall Neighbourhood Plan Examiner's recommended modifications to the Nuthall Neighbourhood Plan be accepted.
2. The holding of a referendum for the Nuthall Neighbourhood Plan with the area for the referendum being the Parish of Nuthall be approved.
3. The Nuthall Neighbourhood Plan Decision Statement and its publication be approved.
4. Subject to a majority vote in the referendum, the Council 'makes' (adopts) the Nuthall Neighbourhood Plan.
5. Authority be given the Chief Executive to issue a statement setting out this decision as soon as possible following the referendum.

Background papers: Nil

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Report on Nuthall Neighbourhood Plan 2015 - 2030

An Examination undertaken for Broxtowe Borough Council with the support of the Nuthall Parish Council on the December 2017 submission version of the Plan.

Independent Examiner: Jill Kingaby BSc (Econ) MSc MRTPI

Date of Report: 2 October 2018

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Main Findings - Executive Summary

From my examination of the Nuthall Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Nuthall Parish Council;
- The Plan has been prepared for an area properly designated – Nuthall Parish shown on Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2015-30; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Nuthall Neighbourhood Plan 2015-2030

- 1.1 As explained in the Introduction to the Neighbourhood Plan, Nuthall lies to the north-west of the City of Nottingham. The Parish is bisected by the M1 motorway and includes Junction 26 which is accessed from the west and east by the A610, as illustrated on Map 7 of the Plan. The A6002 which is parallel to the M1 but crosses the eastern side of the Parish was, like the A610, heavily trafficked at the time of my site visit. These major roads are not easily crossed by pedestrians and cyclists, and the traffic on them generates high levels of noise. Residential properties and other buildings in Nuthall are mostly set back from the M1 and A610 as well as the A6002.
- 1.2 West Nuthall (the Larkfields character area as shown on Map 10), includes the old village centre, St Patrick's Church, the Methodist Church and Nuthall Parish Council Temple Centre. There are a number of listed buildings within Nuthall Conservation Area in West Nuthall, as indicated on Map 4. The three character areas in East Nuthall are separated by the M1 and A6002 from the historic core of the village. The layout of the four predominantly residential character areas, mostly with their own public houses, primary schools and local shops, indicates that each has a degree of self-containment. East Nuthall adjoins suburban areas of the City of Nottingham including Bulwell, Hempshill Vale and Cinderhill, whilst West

Nuthall is joined to Watnall within Greasley Parish, and Kimberley Parish, beyond the built-up area of Nottingham.

- 1.3 Although the Parish of Nuthall is marked by major transport infrastructure and quite intensively developed residential areas (providing some 2,500 homes in total according to the 2011 Census), two thirds of the land in the Parish is countryside and designated as Green Belt (see Map 6). Two working farms, at Redhill House and New Farm, shape the character of the countryside in the northern part of the Parish. A sizeable lake is located south of Kimberley Road. There is much woodland in Nuthall, as shown on Map 9, providing some screening from the detrimental visual impact of the M1 and other major roads.
- 1.4 Production of the Nuthall Neighbourhood Plan began in 2014, when an application for designation of the Parish as a neighbourhood area was submitted to Broxtowe Borough Council. The Parish Council established a Steering Group as described in the Consultation Statement, which carried out an early residents' survey to identify "Key Messages" for plan-making for Nuthall. The Plan was developed and modified following ongoing consultation with residents and other stakeholders, and submitted to Broxtowe Borough Council for examination on 17 January 2018.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Nuthall Neighbourhood Plan by Broxtowe Borough Council, with the agreement of the Nuthall Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector, with prior experience examining Neighbourhood Plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.7 As the independent examiner I am required to produce this report and recommend either:
 - (a) that the Neighbourhood Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum; or
 - (c) that the Neighbourhood Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.10 The 'Basic Conditions' are set out in paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations; and
 - Meet prescribed conditions and comply with prescribed matters.

- 1.11 Regulation 32 of the 2012 Regulations prescribes a further basic condition for a Neighbourhood Plan. This requires that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Broxtowe Borough Council is the Aligned Core Strategy for Broxtowe, Gedling and Nottingham City, 2014, not including documents relating to excluded minerals and waste development. This is the Part 1 Local Plan document for Broxtowe Borough Council. Work is underway on the Broxtowe Part 2 Local Plan (the emerging Part 2 Local Plan) which was submitted for examination in July 2018. While there is no requirement for the Plan to be in general conformity with the strategic policies of the emerging Local Plan, it is important to minimise any conflict between the two documents, as set out in Planning Practice Guidance (PPG) Reference ID: 41-009-20160211.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The PPG offers guidance on how this policy should be implemented. A revised Framework was published during this examination on 24 July 2018, replacing the previous 2012 Framework. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 Framework, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Nuthall Neighbourhood Plan was submitted to the Council in early 2018. Thus, it is the policies in the previous Framework that are applied to this examination and all references in this report are to the March 2012 Framework and its accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Nuthall Neighbourhood Plan 2015 - 2030, December 2017;

- Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement;
- the Basic Conditions Statement;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment screening opinion prepared by Broxtowe Borough Council; and
- Broxtowe Borough Council's and Nuthall Parish Council's joint response, dated 24 August 2018, to the questions raised in my letter of 10 August 2018¹.

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 30 August 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. The Parish Council and Broxtowe Borough Council provided a joint written response to questions which I raised after reading the Regulation 16 consultation replies. I take account of the joint response statement, dated 24 August 2018, in examining the Neighbourhood Plan.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have also listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Nuthall Neighbourhood Plan has been prepared and submitted for examination by Nuthall Parish Council, which is a qualifying body. The Plan applies to the whole Parish of Nuthall, which was designated as a Neighbourhood Plan Area by Broxtowe Borough Council on 17 September

¹ <https://www.broxtowe.gov.uk/media/5364/questions-and-answers-to-examiner.pdf>

2014. It is the only Neighbourhood Plan for Nuthall, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan specifies clearly the period to which it is to take effect, which is from 2015 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.3 The Consultation Statement submitted with the Neighbourhood Plan explains that an application for designation of the Neighbourhood Plan Area was made to Broxtowe Borough Council in June 2014. A Steering Group was set up by the Parish Council to progress the Neighbourhood Plan. An initial Residents' Survey was designed to identify the issues and opinions of local people for planning the future for Nuthall. In addition to residents, schools, clubs, young people, those using community and sports' facilities, local farmers, landowners and developers, and business/retail representatives were invited to comment. Results of the survey fed into the production of a draft Neighbourhood Plan which was subject to consultation under Regulation 14 of the 2012 Regulations, from 3 December 2016 to 31 January 2017.
- 3.4 The draft Plan was put on display at the Parish Council offices, placed on the Parish website, published online and made available via social media. A launch event with local Councillors and 'drop-in' sessions enabled people to ask questions and make comments on the Plan. 27 responses were received from Statutory Consultees, land owner/developers and local residents. The Consultation Statement includes a summary of the comments made, and indicates that amendments to the draft Plan would be made in some cases. The amended Neighbourhood Plan was submitted and subject to public consultation by Broxtowe Borough Council, in line with Regulation 16 of the 2012 Regulations, between 26 February 2018 and 20 April 2018. 21 responses were received, and I take account of these in examining the Neighbourhood Plan. I am satisfied that the consultation process has complied with the relevant legal requirements and due regard has been had to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.5 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.6 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.7 The Basic Conditions Statement states that the Plan must not discriminate unfairly or in a manner which is contrary to the Human Rights Act 1998. Broxtowe Borough Council has not contended that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Broxtowe Borough Council, which found that it was unnecessary to undertake SEA. However, a 'voluntary' Habitats Regulation Assessment (HRA) was undertaken, recognising that Nuthall lies within 15kms of Sherwood Forest, a potential Special Protection Area. Having read both Screening Reports, which concluded that the Nuthall Neighbourhood Plan would not have any significant negative effects on identified European sites, I support their conclusions. Natural England, in its response at Regulation 16 stage (letter of 19 March 2018), did not disagree.

Main Issues

- 4.2 I have approached the assessment of compliance with the Basic Conditions of the Nuthall Neighbourhood Plan under two main headings:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance

Structure and coverage of the Neighbourhood Plan

- 4.3 The first part of the submitted Plan provides useful information about Plan preparation (Foreword), and the location and character of the Parish (Page 4). It then defines a Vision and Objectives, before providing information about the Parish's history and present & future challenges. I accept that these sections provide a useful introduction, before the Plan sets out its planning policies. However, for clarity I consider that the Vision and

Objectives would be contextually more coherent if they were located at the end of this section, after the area's history, present & future challenges have been described, and immediately before the Neighbourhood Plan Policies. Proposed modification (**PM1**) would achieve this, and should be made to assist readers and users of the Plan, and contribute to the achievement of sustainable development.

- 4.4 The first part of the Plan includes seven maps which provide essential material as to the boundary of the designated Neighbourhood Plan Area, heritage assets, the extent of Green Belt land and transport infrastructure. Two historic maps are also presented, which provide information as to how the Parish has developed over time. I commend the Parish Council for the clarity and content of these maps, but note the request from Nottinghamshire County Council for an amendment to Map 7. As highway authority, the County Council stated that all A roads should be given the same classification. The Parish Council agreed that Map 7 should be modified accordingly, and I recommend that **PM5** be made, to have regard for national policy on highways and transport.
- 4.5 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. It has three roles (economic, social and environmental) which it should perform. I am satisfied that the Vision of the Steering Group has regard for this critical aspect of national planning policy. The two objectives follow from the Vision, and recognise the particular circumstances of Nuthall associated with the position of the M1 and proposed development of the HS2 rail system. The Woodland Trust commented that one of the objectives should be to protect and enhance the local landscape character, green and open spaces, ancient woodland, veteran trees, hedgerows and trees. I consider that the second objective should be extended to refer to these features more fully. **PM1** should include revised wording to objective 2, so that it does this and contributes to the pursuit of sustainable development.
- 4.6 After setting out the two objectives, the Neighbourhood Plan states "Key resident concerns are future Housing needs (and associated Transport infrastructure)". I find this sentence ambiguous, although the first criterion of Policy 1: New Housing offers some assistance in understanding it. The text on Page 5 should be modified, in my view, as in **PM1**, to indicate how the development management process should operate. The modification should be made to secure this and meet the Basic Conditions.
- 4.7 The final paragraph on Page 5 correctly advises that the Neighbourhood Plan will become part of the Development Plan for the Nuthall area on adoption. It also states that the policies will be monitored and reported on in Broxtowe Borough Council's annual monitoring reports. Given the prospect of significant change in the Parish in the future with the development of HS2, I consider that a commitment to regular monitoring

is essential for good planning in Nuthall. As the draft Broxtowe Part 2 Local Plan was submitted for examination in July 2018, there is also potential for change to strategic planning policy, which could affect the Parish. Even if the HS2 railway through Nottinghamshire is not scheduled for construction until the 2030s, after the end date for the Nuthall Neighbourhood Plan, ongoing monitoring should be undertaken. Then management and adaptation, if not major review of the Plan, can be initiated at the earliest opportunity to secure sustainable development.

- 4.8 On Page 7, it is incorrectly stated that Hempshill Hall has been demolished. In fact, I am advised that it has been restored and is a listed building, as shown on Map 3. **PM2** should be made to correct this and satisfy the Basic Conditions.
- 4.9 Pages 6 to 13 explain the history of Nuthall's development, graphically illustrated with old photographs and maps. The Plan is seeking to protect designated and non-designated local assets, and I am advised that Nottinghamshire County Council and Broxtowe Borough Council provide heritage updates, published on the Heritage Gateway. Historic England pointed out that there are assets in Nuthall on the heritage at risk register which require safeguarding. I consider that additional information should be added to Page 13 of the Plan having regard for Historic England's observations, to explain the source of the Parish Council's information on heritage assets. **PM3** should be made to contribute to the achievement of sustainable development.

Overall approach to planning for new housing and economic development, the Green Belt and transport

- 4.10 The NPPF expects local planning authorities to boost significantly their supply of housing (paragraph 47 onwards). Part 1 of the Greater Nottingham Aligned Core Strategy was adopted in 2014 and is the current Local Plan for Broxtowe. Its Policy 2.2 aims to direct new housing development to, or adjacent to, the main built up area of Nottingham, followed by locations at four key settlements for growth. Kimberley is identified as one of the four key settlements where up to 600 new homes are sought. The emerging Part 2 Broxtowe Local Plan includes site allocations, and paragraph 15.1 states that West and East Nuthall are included in the Kimberley sub-market. Policy 7 names three sites to be allocated for residential development in Kimberley, but none of these are in Nuthall.
- 4.11 However, Map 5 on Page 30 of the emerging Local Plan shows Housing Commitments in Nuthall, on land adjacent to Hempshill Hall. I am aware that permission was granted on appeal for 116 dwellings on this land in 2014, with a planning obligation which was modified on appeal in 2015. Appendix 1 of the Neighbourhood Plan refers to this site in the context of the Strategic Housing Land Availability Assessment (SHLAA). Given the

scale of development proposed, I consider that it should be referenced in the main body of the Plan, and propose that new text is added to Page 18, under Nuthall Present/Future Challenges, **(PM6)**, and after Policy 1: New Housing on Page 19, **(PM7)**, to explain that the site is a housing commitment.

- 4.12 I agree with Greasley Parish Council that additional information should be given about the position of Nuthall within the Kimberley sub-market, in the supporting text to Policy 1 **(PM7)**, as well as in Appendix 1 **(PM13)**. All these modifications should give appropriate emphasis in this Plan to the issue of boosting housing supply, having regard for national policy. They should also be made to secure general conformity with the Part 1 Local Plan and have regard for the emerging Part 2 Local Plan. **PM6, 7** and **13** are necessary to meet the Basic Conditions for neighbourhood planning.
- 4.13 I have taken account of the representation from P&DG on behalf of Mr Turton, and the request that land at 121 Kimberley Road should be allocated for new housing. However, the site is not included in the draft Part 2 Local Plan. Policy 1 of the Neighbourhood Plan is supportive of proposals for new housing which meet its criteria, and I am satisfied that Broxtowe Borough Council should determine whether Mr Turton's proposal should be taken forward, through the development management process and/or the Part 2 Local Plan. In any event, Table 3: Housing Figures in the emerging Part 2 Local Plan shows that Kimberley has a supply of 532 built and potential new homes, and is therefore on track to meet its target for "up to 600 dwellings" by 2028. I am satisfied that the Nuthall Neighbourhood Plan need not include specific new allocations, having regard for Broxtowe's SHLAA 2017/18 and the achievement of sustainable development, as well as the need for general conformity with the adopted Local Plan.
- 4.14 Section 1 of the NPPF – Building a strong, competitive economy states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Wilson Bowden Developments Ltd criticised Nuthall Neighbourhood Plan's Vision and Objectives for not aiming to deliver "sustainable development", and for focusing on "locally expressed concerns" rather than the wider development needs of the area. Wilson Bowden argued that the needs of employment had been largely overlooked, and the Plan should acknowledge the forecast employment growth related to HS2, which it contends is expected to start influencing the locality well within the Plan period.
- 4.15 On the needs of employment, Policy 4 of the Part 1 Local Plan – Employment Provision and Economic Development – aims to strengthen and diversify employment offer across Greater Nottingham. Policy 9 in the emerging Part 2 Local Plan focuses on retention of existing good

quality employment sites, allowing for expansion, conversion or redevelopment for employment purposes. The emerging Local Plan lists employment sites which should be retained, and names Phoenix Park, Nuthall. Page 16 of the Neighbourhood Plan refers to "2 Business Parks on the borders of the Parish" which are "very closeby". This arguably conflicts with Appendix 1 Page 34, which acknowledges that Phoenix Park is "in the Parish itself". I propose **PM4** to remove the discrepancy and give more information about Phoenix Park. Additional text on Page 5 is also needed, as in **PM1**, to make the point that sustainable development includes encouraging economic development, which the Neighbourhood Plan should support whether or not it has been identified as a matter of key concern by residents.

- 4.16 Regarding HS2, the response to my letter of August 2018 agreed by the Parish Council and Broxtowe Borough Council stated that this is perceived to be a strategic matter. Part 1 of the Local Plan identified the vicinity of the proposed Toton station as a location for significant new economic development. The East Midlands HS2 Growth Strategy published in October 2017 includes an innovation campus around the station at Toton, with the main built-up area of Nottingham being the first location for new growth. I agree that Nuthall is quite distant from the proposed new station at Toton, so that the submitted Neighbourhood Plan need not be modified to provide for HS2-related employment growth. Future monitoring and review will indicate if any subsequent changes are required. As the HS2 line is not expected to open until 2033, modification of this Neighbourhood Plan now is not required, in my view.
- 4.17 Respondents to the Regulation 16 exercise also argued that new development needs in future could necessitate a review of Green Belt boundaries. There was support for the release of land in the northern part of the Parish above Sellers Wood. However, there is no indication in the adopted Local Plan or emerging Local Plan that these releases should be made. I consider that Green Belt review should be a strategic matter for Broxtowe Borough Council and/or Nottinghamshire County Council, and not be addressed in this Neighbourhood Plan.
- 4.18 It is clear from visiting Nuthall and from the submitted Plan that the position of the M1, Junction 26 and the heavy traffic flows through the Parish have a major effect on the local environment, and are a source of air pollution, noise and community severance. Paragraph 20.1 of the emerging Part 2 Local Plan indicates that Nottingham Road/Back Lane, Nuthall is an Air Quality Management Area, ie. an area where emissions from traffic give rise to high levels of pollution above national air quality objectives. Data from the Parish Profiles, based on the 2011 Census by Rural Community Action Nottinghamshire (RCAN) for Broxtowe Borough Council, show that Nuthall's residents have high levels of car ownership (49% have 2 or more cars in Nuthall compared with 32% nationally), and

many people travel long distances to work, presumably benefitting from close proximity to the M1.

- 4.19 At the bottom of Page 16 of the Neighbourhood Plan, it is stated that "*the travel to work ratio is therefore relatively high*". The Parish Council clarified, in its letter to me of 24 August 2018, that the majority of Nuthall residents who are in employment, travel out of the Parish to their place of work and not many people commute inwards. In **PM4**, I propose that the text is modified so that all readers can understand the point.
- 4.20 Whilst the Plan refers to the local highway-related problems (objective 2, Page 16 and Local Aspirations), it does not contain a positive policy promoting more sustainable transport. This is understandable as the M1 is part of the nationally significant strategic road network. The Highways Agency has responsibility for its operation and maintenance and Nottinghamshire County Council, as local highway authority, plans and maintains the roads which lead to it. I recognise that it is difficult for the Neighbourhood Plan to have much influence on the strategic transport network. However, national planning policy aims to promote sustainable development and encourage behavioural change so that people use public transport, cycling or walking in preference to the private car, wherever possible (section 4 of the NPPF). Paragraph 30 states that solutions to transport problems which support reductions in greenhouse gas emissions and reduce congestion should be encouraged. Policy 18: Infrastructure and paragraph 3.18.5 of the Part 1 Local Plan support sustainable transport modes, and emerging Policy 20 of the Part 2 Local Plan addresses air quality. It expects all new housing developments of 10 or more dwellings or 1,000 sqm or more commercial floorspace to incorporate electric car charging points.
- 4.21 I have taken account of the representations from the Kimberley, Eastwood, Nuthall Tram Action Group setting out the potential advantages of an extension to the tram network from Phoenix Park to Nuthall and beyond. I accept that such a scheme could contribute to reductions in traffic congestion on Junction 26. However, this is a substantive infrastructure project requiring a full assessment of its costs and benefits and wider impact. I am unable to recommend its inclusion in the Nuthall Neighbourhood Plan without appropriate background evidence, including support from the Parish Council and other stakeholders.
- 4.22 However, I consider that the Neighbourhood Plan should include more references to the harmful impact which private car (and goods vehicle) usage can have, covering air quality, noise and disturbance, as well as road congestion. I recommend modifications to Nuthall Present/ Future Challenges, Policy 1 and Local Aspirations on Page 27 so that the Plan is more positively in favour of sustainable transport and has regard for the NPPF, as well as being in general conformity with Policy 18 of the adopted Local Plan. **PM4, 7 & 12** should be made accordingly.

- 4.23 I conclude that, with the modifications I have recommended, the Plan will have a clear structure and coverage of relevant local planning issues, with good illustrative maps, enabling readers and prospective users to understand how the Plan should be applied. Though modest in its expectations for future housing and economic development, I conclude that, subject to the proposed modifications, the Nuthall Neighbourhood Plan will contribute to the achievement of sustainable development as defined in the NPPF, will be in general conformity with the adopted Local Plan (and align with the emerging Part 2 of the Local Plan).

Compliance of the Plan policies

Policy 1: New Housing

- 4.24 Nuthall Neighbourhood Plan includes five policies, and I have considered whether each one meets the Basic Conditions for neighbourhood planning. Policy 1 addresses new housing, and I have already recommended that there should be modifications to the Plan to acknowledge that Nuthall is included in the Kimberley sub-market, and that there is a major site committed for housing development on land at Hempshill Hall. In my letter to the Parish Council in August 2018 I queried the case for seeking “a minimum of 20% of the houses” to be designed for the needs of elderly or limited mobility residents, whilst omitting to mention the need for affordable homes.
- 4.25 The Parish Council drew my attention to demographic data in Appendix 1 of the Neighbourhood Plan, which notes that 18% of the current population is aged 65 or over, 2% above the national average. That percentage is forecast to increase. Policy 8.1 of the adopted Local Plan says that Part 2 Local Plans should define a proportion of homes that should be capable of adaptation to suit the lifetime of its occupiers. Policy 15 of the emerging Part 2 Local Plan for Broxtowe Borough expects housing developments to ensure that the needs of all age groups (including the elderly) are met. Nuthall’s Policy 1 is arguably more stringent than emerging Policy 15 but is in general conformity with its direction. I have also considered whether Policy 1 could conflict with paragraph 173 of the NPPF, regarding the need to consider the costs of any policy requirements and their effects on viability and deliverability. I support the Parish Council’s ambitions to achieve more housing for elderly or infirm people, but shall modify the wording of Policy 1 to ensure that it is not too onerous and takes account of viability.
- 4.26 I have seen insufficient evidence to support the text on Page 19 which implies that affordable housing is not needed in Nuthall. The adopted Local Plan Part 1 sets a target of 30% for affordable housing in new developments in Broxtowe Borough. Recent studies relating to Kimberley sub-market show that sites of 10 dwellings or more should include 20% or

more affordable housing. The 20% or more target is included in emerging Policy 15 of the Part 2 Local Plan. Although the Parish Council seeks to avoid repeating policy in the Local Plan, I consider it necessary to refer to affordable housing in Policy 1 of the Nuthall Neighbourhood Plan, recognising the serious national problem of housing affordability, especially for younger people², so that prospective developers have a holistic view of requirements.

- 4.27 Highways England requested a requirement that significant development proposals should be subject to an appropriate Transport Statement or Transport Assessment. It stated that this could assist achievement of the first local aspiration on Page 27 of the Plan to ease congestion around Junction 26 of the M1. Section 4 of the NPPF – Promoting sustainable transport – favours greater use of sustainable transport modes, and supports the use of Transport Statements or Transport Assessments, which may lead to the use of Travel Plans. This approach goes beyond introducing new infrastructure, as mentioned in criterion i. of Policy 1, and I recommend a change to its wording, with supporting text, to have regard for the NPPF and the representation from Highways England. I shall also add supporting text to explain what might be meant by “environmental issues” in criterion ii. **PM7** to modify Policy 1, includes all the above proposed amendments, and is needed to achieve general conformity with the Local Plan, and have regard for the NPPF (as well as to be more consistent with the emerging Local Plan).

Policy 2: Nuthall Village Centre and Policy 3: Live Work Units

- 4.28 Map 8 in the Plan shows the extent of the village centre, opposite St Patrick’s Church. It includes the Three Ponds public house and a hair studio alongside the bus stop for services between Nottingham and Eastwood. Policy 2 supports new retail and business development in individual units which do not exceed 250sqm. In its response of 24 August 2018 to my questions about the floorspace figure, the Parish Council and Borough Council stated that they would agree to an amendment to 280sqm. I consider that this would be appropriate for new premises in this non-town centre location, which is within the Nuthall Conservation Area. **PM8** would achieve this modification, which should contribute to the achievement of sustainable development, along with revised wording of criterion iv. to ensure that it has regard for wording in the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Rural Community Action Nottinghamshire – Parish Profiles based on 2011 Census date – for Broxtowe Borough Council shows the affordability ratio for Nuthall (median house price as a ratio of median income) to be 10.3.

- 4.29 Policy 3: Live Work Units has regard for the NPPF's section 1 Building a strong, competitive economy, and planning proactively to meet the business needs of a 21st century economy, facilitating flexible working practices to integrate residential and commercial usage in the same unit (paragraphs 20 & 22 of the NPPF). The growth of live work units in Nuthall should have a beneficial, even if modest, effect on reducing traffic congestion and air pollution in the Parish. I support Policy 3 as written, which meets the Basic Conditions for neighbourhood planning.

Policy 4: New Open Spaces

- 4.30 Map 9 illustrates existing playing pitches, open spaces and woodlands in the Parish. At my site visit, I observed the proximity of the built-up areas in the Parish to woodlands and recreation/play areas as well as open farmland. Basil Russell Playing Field, with its tennis courts, football & cricket pitches, bowling green and children's play areas was in use at the time of my visit, and is accessible on foot and by bicycle from the neighbouring Larkfields area. New Farm Lane and the disused railway line provide a pleasant walking route towards the countryside in the north of the Parish, and towards Hemphill under the M1. I saw that the path along the former railway line is used by horse-riders and cyclists as well as pedestrians.
- 4.31 I fully support the thrust of Policy 4, to improve existing recreation and play areas and provide new open spaces, with appropriate access for cyclists and walkers. Due to the presence of the M1 motorway, Junction 26 and the busy A roads which lead to it, there is significant severance of West Nuthall from East Nuthall. With the construction of HS2 in the future, this separation is likely to be enhanced. Nottinghamshire County Council drew my attention to paragraphs 69-78 of the NPPF – Promoting healthy communities, and its own research into current and future health and wellbeing. The NPPF highlights the importance of environments which enable social interaction with clear and legible pedestrian routes and high quality public space. Therefore, criterion iii. which I assume should read *"Provision of new open spaces, recreational areas, routes appropriate for cyclists and walkers including dog walkers, in particular routes which link areas of population within the Parish"* is very important. Policy 4 would be strengthened if the existing footpaths and rights of way in Nuthall which connect the built-up areas to each other and the surrounding countryside were shown on Map 9. **PM10** should be made to assist those submitting planning applications to identify where "appropriate routes for cyclists and walkers" might be, and in order to contribute to the achievement of sustainable development.
- 4.32 The Woodland Trust was pleased to see Policy 4 and Map 9, but stated that any new development would need to respect Nuthall's distinctive landscape character, conserving mature trees and hedgerows so that there is no loss or degradation of ancient woodland, with planting of new

trees and woodlands. The Wildlife Trust suggested that the term 'Green Infrastructure Networks' would be an appropriate title to Policy 4, and that a new criterion for the protection and enhancement of wildlife habitats should be added. I consider that use of the term green infrastructure networks would helpfully demonstrate consistency with Policy 28: Green Infrastructure Assets, of the emerging Part 2 Local Plan which relates to *"a network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities"*.

- 4.33 The Wildlife Trust also argued that Sellers Wood's status as a Site of Special Scientific Interest (SSSI) and Local Nature Reserve should be shown on the accompanying map, along with other local wildlife sites and ancient woodlands. I agree that the SSSI should be distinguished, with the addition of other local wildlife sites. I also support modification of Policy 4 with the addition of a new criterion for wildlife habitat protection, and explanatory supporting text. A reference to possible future funding from HS2 development to mitigate and compensate for damage and loss of wildlife habitats should be included in the supporting text, so that the matter is not overlooked in the long term, and so as to contribute to the achievement of sustainable development. As the Woodland Trust observed, Policy 4 should be modified so that it is more ambitious in seeking gains for wildlife and creating new habitats, having regard for the NPPF's paragraph 109. **PMs 9** and **10** to modify Policy 4, its supporting text and Map 9 should be made to ensure that the Basic Conditions are met.
- 4.34 Policy 4 seeks the provision of allotments when planning applications for development are made. However, there is no additional information as to where these should be provided, or how they might be maintained. I appreciate that, as the Neighbourhood Plan does not allocate sites for development, it cannot identify sites for allotments precisely. However, some supporting text to confirm that sites should be suitable for cultivating plants and within easy walking distance of residential areas, should be added to Page 22. This would be achieved through **PM9**.

Policy 5: Design and the Historic Environment

- 4.35 Policy 5 has regard for paragraphs 56-68 of the NPPF, which state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. Policy 5 refers to Map 10 and the identification of 4 distinct character areas in Nuthall. Based on my site visit, I consider the identification of these areas to be appropriate, and their definition should be helpful for those assessing potential new development. Policy 10 in the Part 1 Local Plan: Design and Enhancing Local Identity provides detail as to how all new developments should be designed, and how all elements of design should be assessed (covering structure, texture and grain; density and mix;

massing, scale and proportion, among other things). The emerging Part 2 Local Plan also contains a strong policy to promote good design, Policy 17: Place-making, Design and Amenity.

- 4.36 I appreciate that there is no need to repeat strategic policy in the Neighbourhood Plan. However, I consider that the application of Nuthall's Policy 5 would be strengthened if cross-references were added to the supporting text to refer to the above adopted and emerging Local Plan policies. Emerging Policy 17 advises developers that schemes for 10 or more dwellings require a design and access statement to be prepared. Design and access statements should address the 12 criteria in Building for Life, as set out in Appendix of the emerging Part 2 Local Plan. The criteria are endorsed by the Design Council and Home Builders' Federation. In addition, the last sentence on Page 25 of the Plan sets out policy to minimise and dispose of waste which would be more appropriately placed in Policy 5, in my view. **PM11** includes these amendments to the policy and supporting text, which are needed to strengthen the Plan's ability to contribute to the achievement of sustainable development, and having regard for national planning policy.
- 4.37 I conclude that, with the modifications set out above, Policies 1 to 5 in the Nuthall Neighbourhood Plan will be in general conformity with the adopted Local Plan, have regard for national policy (as well as the emerging Part 2 Local Plan), and contribute to sustainable development.

Other Matters

- 4.38 Local Aspirations are listed on Page 27, with no detail as to how these might be taken forward or realised. It is explained that they reflect the priorities of those who responded through the consultation exercises leading to the production of the Neighbourhood Plan. They cannot be achieved directly through this Neighbourhood Plan, although they are clearly initiatives which would benefit local people in Nuthall and enhance it as a place to live and work. The Basic Conditions Statement contains information relevant to aspiration no. 1. the easing of congestion around Junction 26 of the M1 motorway. The modifications I have proposed to Policy 1 should provide readers with more information as to how that aspiration might be addressed. In addition, the section on Local Aspirations should provide some supporting text to indicate how traffic congestion might be lessened. The Woodland Trust also sought a more ambitious statement on protecting and enhancing open green spaces under local aspiration no. 4, which I support.
- 4.39 The rationale for a country park, named as a local aspiration, is not explained in the Neighbourhood Plan. I am aware that Broxtowe Country Park is located immediately south of Nuthall Parish, and extensions to it may be feasible with the development of the HS2 rail network. Ideally, some supporting text to justify reference to a country park would have

been made, but its absence does not breach the Basic Conditions in my view. However, **PM12** should be made to expand on the local aspirations so that they can be taken forward and to help achieve sustainable development in the future.

- 4.40 I have already referred to the need for clarification in Appendix 1 as to the extent of the Kimberley sub-market for future housing provision. Modification is necessary, as in **PM13** for general conformity with the Local Plan (and will have regard for the emerging Part 2 Local Plan). I have also agreed that the definition of SHLAA on Page 30 should be explained more fully, also in **PM13**, having regard for national planning policy.
- 4.41 Nottinghamshire County Council put forward information about public transport services in Nuthall, suggesting that the details could be added to Appendix 1, Page 31. It also drew attention to the role of community transport and taxis in improving accessibility other than by private car. I agree that Appendix 1 should include this additional information, as in **PM13**, so as to contribute to the achievement of sustainable development.
- 4.42 The Parish Council agreed to add 'Borough boundary' to the legends of Maps 3,6,9 and 10, to make clear where the boundary exists. These additions would be made through **PM14**, which I support to add clarity.

5. Conclusions

Summary

- 5.1 The Nuthall Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on Nuthall Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Nuthall

Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 I recognise the hard work that has gone into the production of this Plan by the Parish Council and its Steering Group over a number of years. The Parish is very unusual, if not unique, because of its location astride the M1 motorway and within the corridor of the proposed HS2 rail line. This makes neighbourhood planning for the future wellbeing and prosperity of all in its community complex. I congratulate the Parish Council for producing a Plan which seeks to address the local circumstances in a distinctive way, and provide a positive way forward for the next twelve years. The policies in the Nuthall Neighbourhood Plan should greatly assist development management decision-making related to land and property in the Parish.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 5	<p>Vision and Objectives</p> <p>Move the contents of this page to the end of page 18, so that it follows the section Nuthall Present/ Future Challenges.</p> <p>Objective 2. Add a new sentence to the end of this objective: <i>New development should protect and enhance the local environment, green and open spaces, trees and ancient woodland.</i></p> <p>Key residents concerns ... in any proposals. <i>In order to address residents' key concerns, and contribute to the achievement of sustainable development, any proposals for future housing development must take into consideration their likely impact on traffic levels and transport infrastructure in the Parish, on the health and wellbeing of the local community, and on the quality of the countryside. The Neighbourhood Plan supports sustainable economic growth and prosperity in the Parish to meet the needs of local businesses.</i> Broxtowe Borough Council and its Planning Department ...</p>
PM2	Page 7	<p>The Church would have been as-regarded as ...</p> <p>Second paragraph: (including Nuthall Lodge, <i>and</i> Nuthall House, Hempshill Hall)...</p>
PM3	Page 13	<p>Add a new end paragraph as follows:</p> <p><i>Maps 4 and 5 show the designated Nuthall Conservation Area and listed buildings, and the non-designated but local interest buildings. Broxtowe Borough Council provides data on local interest buildings, which are maintained</i></p>

		and updated by Nottinghamshire County Council, and published on the Heritage Gateway.
PM4	Pages 15 and 16	<p>Last paragraph on Page 15:</p> <p>The main road, Nottingham Road, links (as shown on Map 7) and contributing to severance of the local communities in East and West Nuthall. The large volumes of traffic on the M1 and A roads through Nuthall are a source of noise and air pollution, with Nottingham Road/ Back Lane designated as an Air Quality Management Area. If the HS2 proceeds ...</p> <p>The working population sits comfortablyVery close by, 2 Business Parks on the eastern borders of the Parish but within the City of Nottingham including Phoenix Park provide sizeable job opportunities. There is no other industry in Nuthall, ...</p> <p>The travel to work ratio therefore is relatively high, meaning that a high proportion of local people travel out of the Parish to work on a daily basis and a small proportion of people from elsewhere go to work in Nuthall. and In combination with Nuthall's role as a through route to all destinations, there is this gives rise to a major peak-time traffic problem.</p>
PM5	Page 17	<p>Map 7: Transport connections within the Parish</p> <p>Modify the Map so that all roads, currently shown as Primary road or A road, have the same classification and colour.</p>
PM6	Page 18	<p>Modify the fourth paragraph as follows:</p> <p>No sites are allocated for new housing development in the Nuthall Parish, but a housing commitment on land adjacent to Hemshill Hall is expected to provide 116 new homes. There are no brownfield sites in the Nuthall Parish itself available for major development, but the old</p>

PM7	Page 19	<p>Policy 1: New Housing</p> <p>New housing including changes of use to housing within</p> <ul style="list-style-type: none"> i. The necessary infrastructure and/or measures to deliver more sustainable transport usage is provided ... ii. There are no adverse environmental issues effects or other land use designations conflicts with planning policy which indicate iii. The development ... iv. The development ... v. For development of 5 or more homes, a minimum of the houses the units should be designed to cater for the needs of elderly residents or those with limited mobility, subject to viability and the requirements to provide affordable housing. vi. The loss ... <p>There is a need.... within the Parish. There are not the same issues in relation to a lack of affordable housing...elsewhere in Nottinghamshire. <i>The adopted Part 1 Local Plan (policy 8.5) sets a target for new affordable housing provision in Broxtowe of 30%. Nuthall is included in the Kimberley housing sub-market within Broxtowe, where the emerging Part 2 Local Plan seeks 20% or more affordable housing on sites of more than 10 units (Policy 15). Housing development proposals which are unable to satisfy the criteria in this policy, as well as deliver some affordable housing, should provide a viability assessment to demonstrate why such a scheme would not be deliverable.</i></p> <p><i>Nuthall includes a housing commitment for 116 new dwellings to be provided on</i></p>
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		<p>land adjacent to Hempshill Hall. Broxtowe's Strategic Housing Land Availability Assessment (SHLAA) indicates that tThere is a good supply ...</p> <p>Major development proposals (for 10 or more dwellings) should be accompanied by a Transport Statement or Transport Assessment which demonstrates (possibly through a Travel Plan) how future residents will be encouraged to use sustainable transport modes, notably public transport, cycling and walking, and/or electric powered vehicles.</p> <p>Regarding environmental effects, much of the land in Nuthall lies in the Green Belt. Protected wildlife sites, the Conservation Area and listed buildings are among the other special features which should not be harmed by the provision of new housing.</p>
PM8	Page 20	<p>Policy 2: Nuthall Village Centre</p> <p>Modify criterion to read:</p> <ul style="list-style-type: none"> i. The development is of a scale should not exceed 250-280 square metres. iv. Where physical alterations ... in a positive way to (ie. preserve or enhance) the character.....
PM9	Page 22	<p>Policy 4: New and Enhanced Green Infrastructure Network Open Spaces</p> <p>Subject to ...</p> <ul style="list-style-type: none"> iii. Provision of new open spaces, recreational areas, routes to connect green infrastructure appropriate for cyclists areas of population within the Parish. iv. The conservation of ancient woodland, mature trees and hedgerows, the creation of new woodland areas, and the planting of new trees. v. The creation of new wetlands, ponds, wildflower meadows, green lanes and field margins, and the enhancement of

		<p><i>existing ones, and</i></p> <p>vi. The provision of features to provide net gains for wildlife such as bat/bird boxes, urban drainage ponds and swales and native species planting.</p> <p>New allotments should be sited on land appropriate for plant-growing, within easy walking distance of residential areas.</p> <p>Nuthall includes the Sellers Wood Site of Special Scientific Interest and other local wildlife sites, as shown on Map 9, along with the Basil Russell Playing Fields and other areas of open space and woodland. It is important for the future health and wellbeing of local people, as well as for the natural environment, that green infrastructure is appropriately conserved and enhanced.</p> <p>It is particularly important for cycling and walking.</p> <p>In the longer term, possible funding should be sought to mitigate and compensate for damage to and loss of wildlife habitats from development of the HS2 railway.</p>
PM10	Page 23	<p>Map 9: Existing Green Infrastructure Network playing pitches, open spaces, and woodland in the Parish</p> <p>Show Sellers Wood (SSSI) and other local wildlife sites.</p> <p>Show existing public rights of way available to pedestrians and cyclists across the countryside in the Parish.</p>
PM11	Page 24	<p>Policy 5: Design and the Historic Environment</p> <p>Add criterion iii:</p> <p>Design of all new development and its construction should minimise the creation of waste, using recycled materials wherever possible. At the construction stage and when in operation, new development should</p>

		<p>provide for the disposal of waste in a sustainable fashion.</p> <p>Add the following supporting text immediately after Policy 5:</p> <p><i>Developers should ensure that their proposals meet the requirements of Policy 10: Design and Enhancing Local Identity of the adopted Part 1 Local Plan for Broxtowe, and subsequent policy to promote good design in the Part 2 Local Plan.</i></p>
PM12	Page 27	<p>Local Aspirations</p> <p>Below the four criteria and existing supporting text, add the following:</p> <p><i>Initiatives to promote greater use of public transport, cycling and walking, and traffic management measures across the wider area, provide a starting-point for the development of a strategy to ease congestion around J26.</i></p> <p><i>The aspiration for a Country Park reflects the aim to protect and enhance the local landscape character of Nuthall with its green and open spaces, ancient woodland, mature trees and wildlife habitats, so that they can be appreciated by local residents and visitors to Nuthall.</i></p>
PM13	Pages 29 - 31	<p>Appendix 1: Supporting Background Evidence</p> <p>Paragraph below the graph: Dwelling type breakdowns</p> <p>At the time of writing, <i>the Kimberley housing sub-market which includes Nuthall is expected to provide up to 600 new homes by 2028. This target was set in the adopted Part 1 Local Plan for Broxtowe (the Aligned Core Strategy);</i> some 451 have been approved Kimberley Brewery. Further agreement is <i>permissions are</i> expected to be granted to the balance of requirements <i>to provide up to 600 units</i> on an infill basis</p> <p><u>SHLAA</u> Insert the following before the</p>

		<p>existing 2 sentences:</p> <p><i>The Strategic Housing Land Availability Assessment (SHLAA) is a catalogue of sites within the borough (gathered through a number of sources) which are assessed on their ability to accommodate housing and the timescale at which housing delivery may be achieved.</i></p> <p><i>The SHLAA is a key piece of evidence used by the Borough Council to inform the choices of sites to consider for allocation. The assessment of each site is made irrespective of the level of housing provision that is needed (i.e. there are more sites in the SHLAA than needed to meet the housing requirement). Therefore, the inclusion of any site in the SHLAA does not guarantee that either planning permission will be granted or that the site will be allocated for residential development.</i></p> <p><u>Public Transport</u></p> <p>For public transportCounty and national averages. Nuthall is well served by frequent of the Parish. <i>Buses operate every 10 minutes between Nottingham and Eastwood with extensions to Heanor, Ripley or Alfreton every 20 minutes. Hourly bus services between Derby and Hucknall run through Nuthall, and trams operate every 7 minutes into the city from Phoenix Park on the eastern edge of Nuthall.</i> There is a Tram terminus ... coal mine to Nuthall.</p> <p>However, the public transport to a hospital</p> <p><u>Recreational Facilities</u></p> <p>Last paragraph:</p> <p>CO2 emissions, recycling rates deprived area'. <i>This is due to sub-standard air quality and the lack of green landscape</i></p>
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		<i>in particular around junction 26 of the M1 motorway. The main cause of sub-standard air quality is emissions from cars.</i>
PM14	9, 14, 23 & 26	Add Borough boundary to the legend of Maps 3,6,9 & 10.



Nuthall Parish Council



Nuthall Neighbourhood Plan 2015-2030

December 2017

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Foreword

The Nuthall Neighbourhood Plan covers the period 2015 to 2030 and was drawn up in response to encouragement given by Government under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012. The Regulations put in place a framework through which local communities can have more control over local development.

Following a Nuthall Parish Council application to Broxtowe Borough Council, Nuthall was designated a Neighbourhood Area in September 2014 for this purpose. The Neighbourhood Plan has been drawn up by Nuthall Parish Councillors and a volunteer Steering Group consisting of Councillors (45%) and Residents (55%).

Consultation with the community began with a Residents' Survey and the responses to this survey by 63 residents. The Steering Group then prepared a Draft Consultation document which was widely discussed with many groups in the Parish. These groups included schools, clubs, young people, those attending the local indoor community facilities, those using the external playing fields and park, local farmers, landowners, developers and industry/retail representatives. The draft Plan was also posted on the Parish's website for wider examination. It was also on display at the Temple Community Centre.

This process and the input which resulted informed the preparation of an amended Plan as which was drawn up by the Steering Group after taking into account all these views. Launch events for the benefit of local residents were held in the Nuthall Temple Centre and there were a number of 'Drop-in' days too.

The pre-submission plan was consulted upon in-line with the Neighbourhood Planning Regulations 2012, Part 5 (14) and the responses to this consultation refined the plan further (as set out in the Consultation Statement).

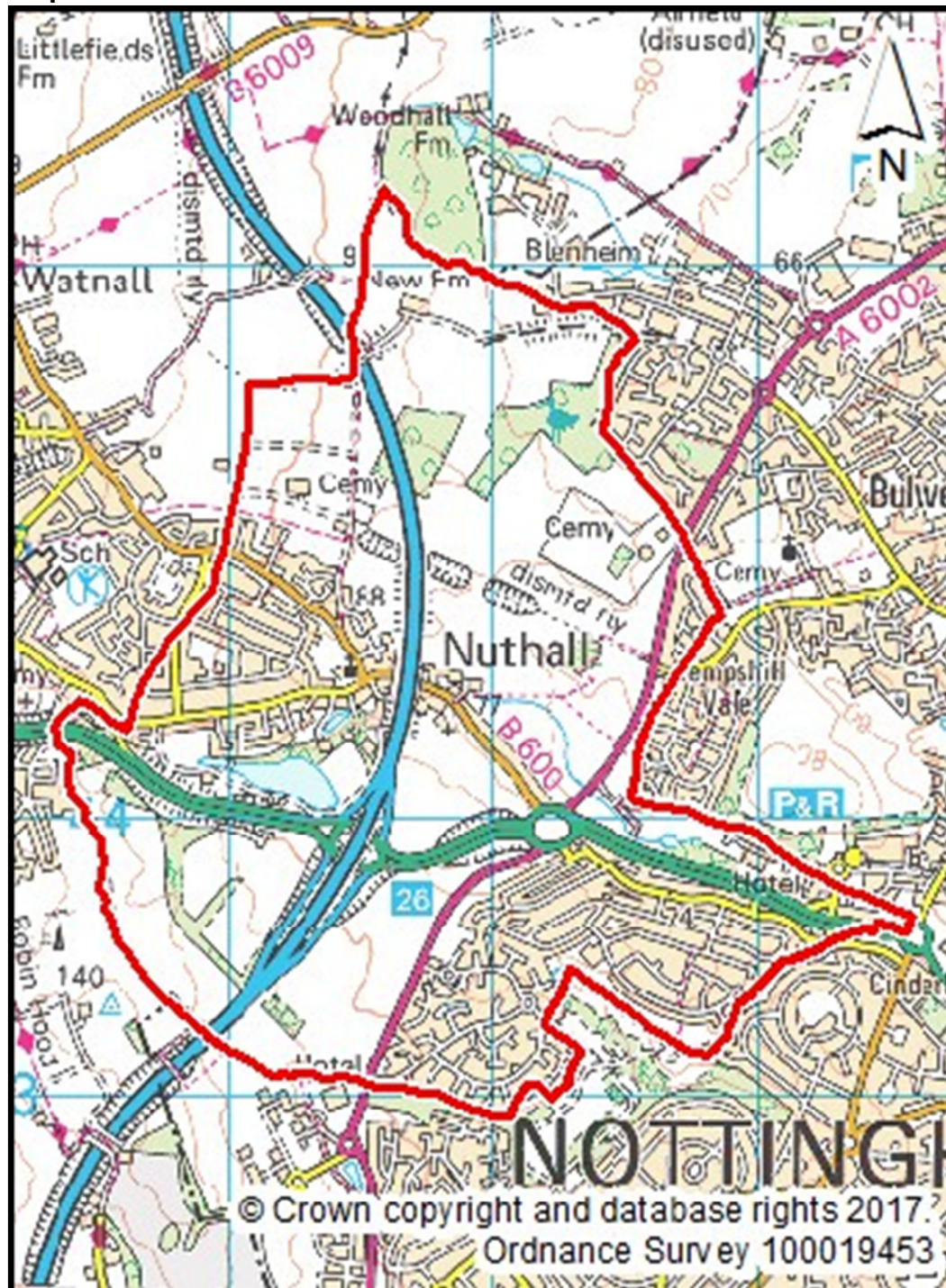
This is the version which will be formally submitted to Broxtowe Borough Council for Independent Examination. Following examination, it is expected that the final document will go to public referendum in Spring/Summer 2018.



The Parish

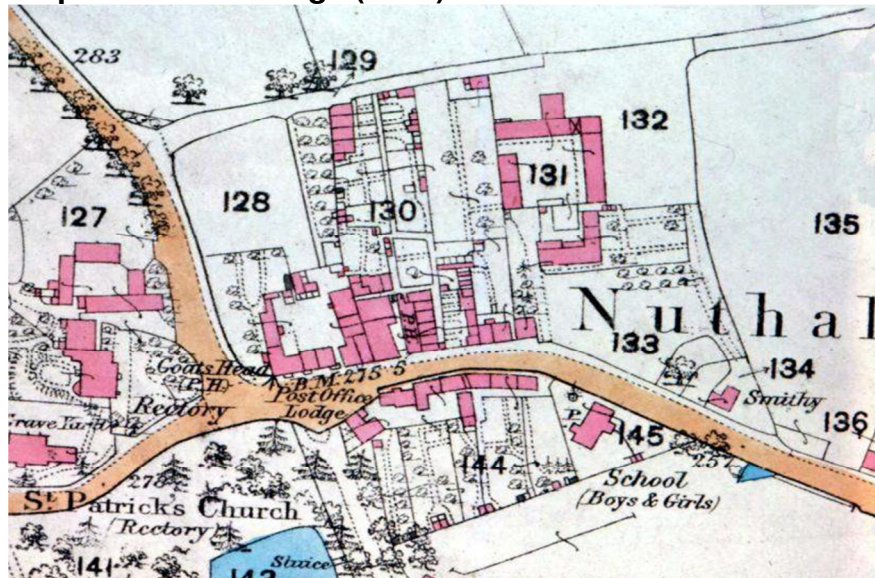
The Parish of Nuthall lies to the north-west of the City of Nottingham; it has a short border with the City to the east (East Nuthall). On the north-west side of the Parish, the village is joined to Watnall, which is in the neighbouring Parish of Greasley. The west of the Parish is directly joined to the Kimberley Parish. These areas are known as West Nuthall. Greenbelt land and open spaces surround the 3 parishes broadly to the north, north west and south.

Map 1: Nuthall Parish



History of the Parish

Map 2: Historic Map of Nuthall Village (1879)



The Domesday Book listed the village in 1086. Many different spellings of the name have included Notale, Notthall and Nuttall (the latter in the 1800s and early 1900s) until the present day Nuthall became the name adopted by a vote of local council members in 1915.

Early records show that there were a number of churches built in Saxon times on the site of what became known as St Patrick's Church, whose rebuilding began in the shape we know it today in about 1390 with the South Porch added early into the following century. Sir Robert Cokefield was a soldier of some repute and one of a family of Cokefields who were Lords of the Manor and it was under his directions that the Church was rebuilt. His effigy in his founder's tomb is remarkably well-preserved. It is a Church of enduring Medieval charm and interest, which has benefitted from additions and changes over the centuries since. The Church was re-roofed in 1858 at a cost of £774. A major restoration in 1884 cost £1,509, a substantial sum in those days.

1934 saw the opening of the St Patrick's Village Hall with a money-raising bazaar, regarded as a bold venture at the time when money was so scarce.





Illustration 1: St Patrick's Church



Illustration 2: St Patrick's Church Hall

The Church would have been **as** regarded as being the focal point of the centre of the old village of Nuthall which also served the community with a shop and cafe, butchers, bootmaker, blacksmith, joiner and wheelwright, pub and a Reading Room at different times through the years. The area surrounding the Church is a designated Conservation Area (as shown on maps 3 & 4).

Nuthall possessed some fine houses over the last two or three centuries. A number of them (including Nuthall Lodge, **and** Nuthall House, ~~Hempshill Hall~~) were demolished as repairs and maintenance costs became unaffordable and the land turned over mainly to new housing in the last century.

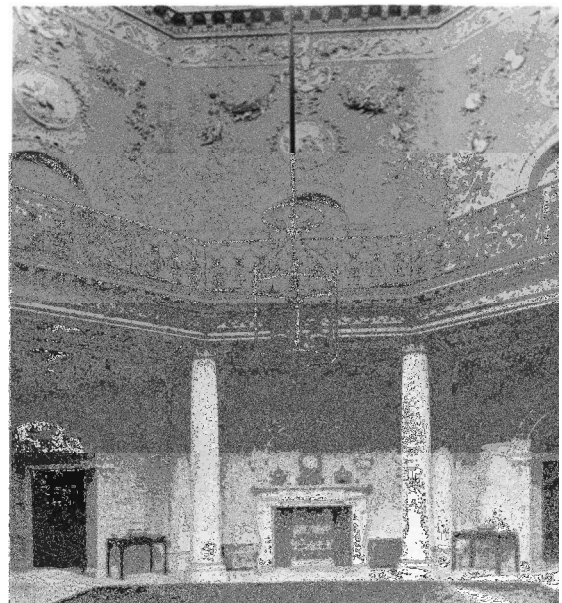
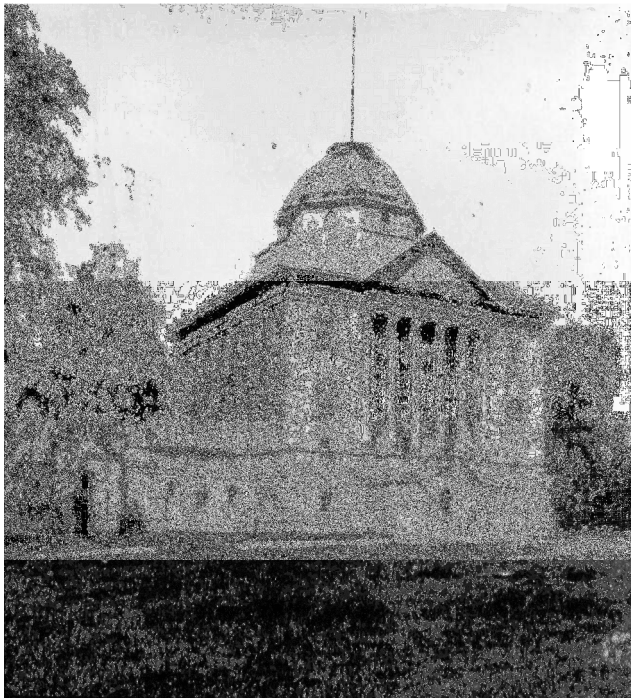


Illustration 3: Nuthall House



Illustration 4: Nuthall Lodge

The most well-known of these properties was The Temple, built in 1754. It housed the Village Squire, Sir Charles Sedley, a Member of Parliament. It was regarded as the best of England's Temple/Villas. In 1819, the property was sold to the Holden family. In 1894, two members of the Holden family were elected to the first Nuthall Parish Council. The Temple remained in their hands until Rev Robert Holden's death in 1926; its destruction brought an end to a village's long established order of life just 2 years later. Its ruins now lie under the M1. A small number of listed properties remain.



*Illustration 5:
Views of the
Temple 1754 to
1929*

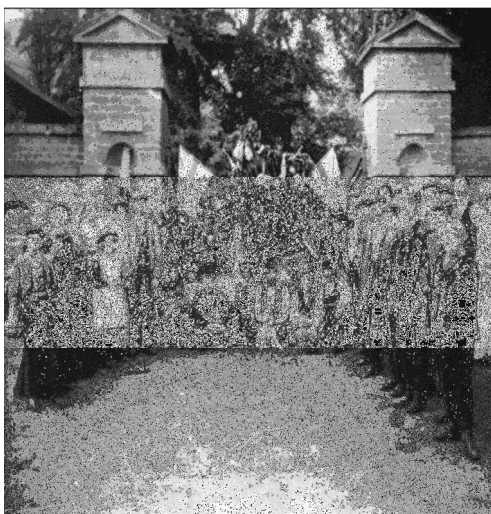
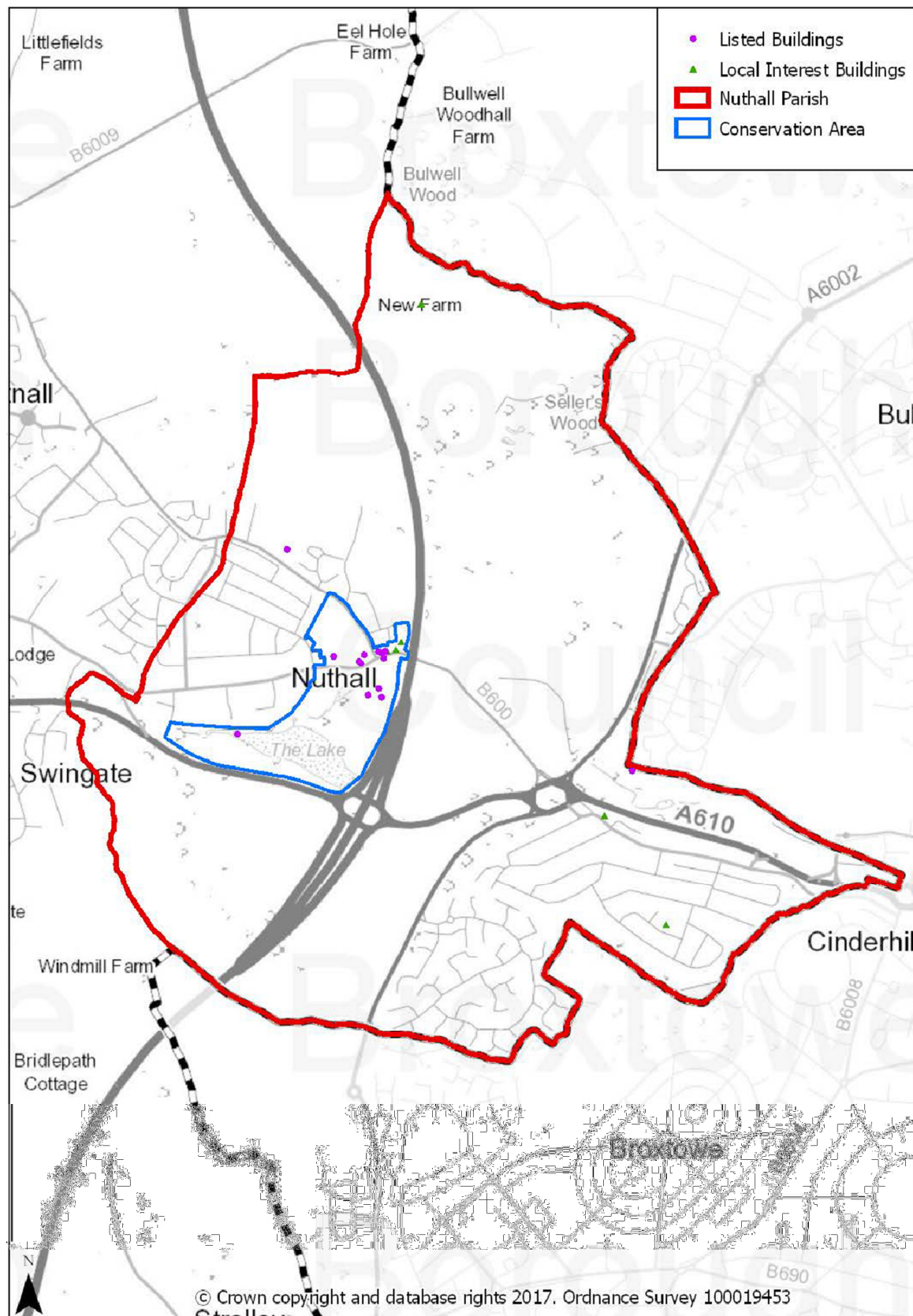
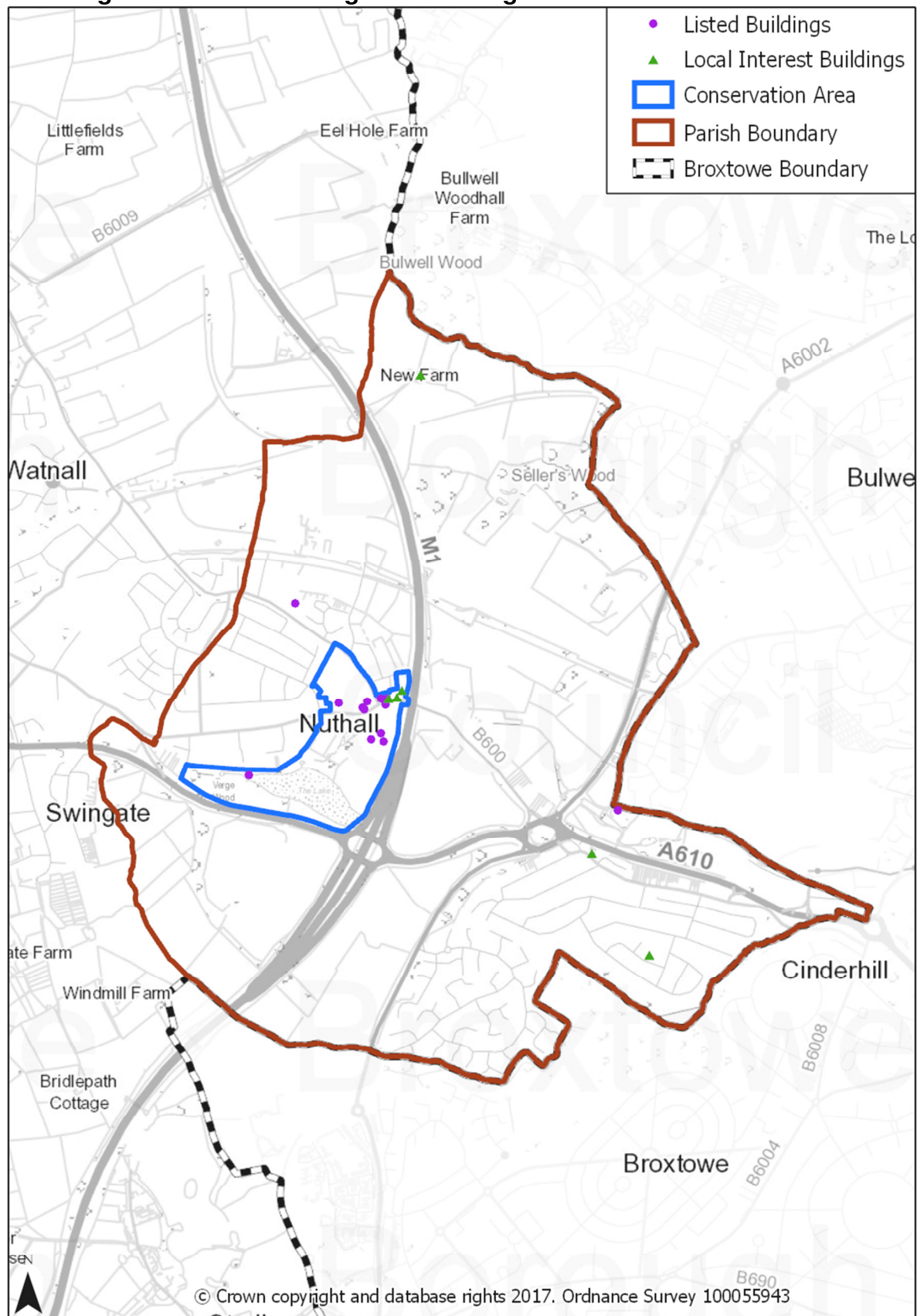


Illustration 6: The Temple 1754 to 1929

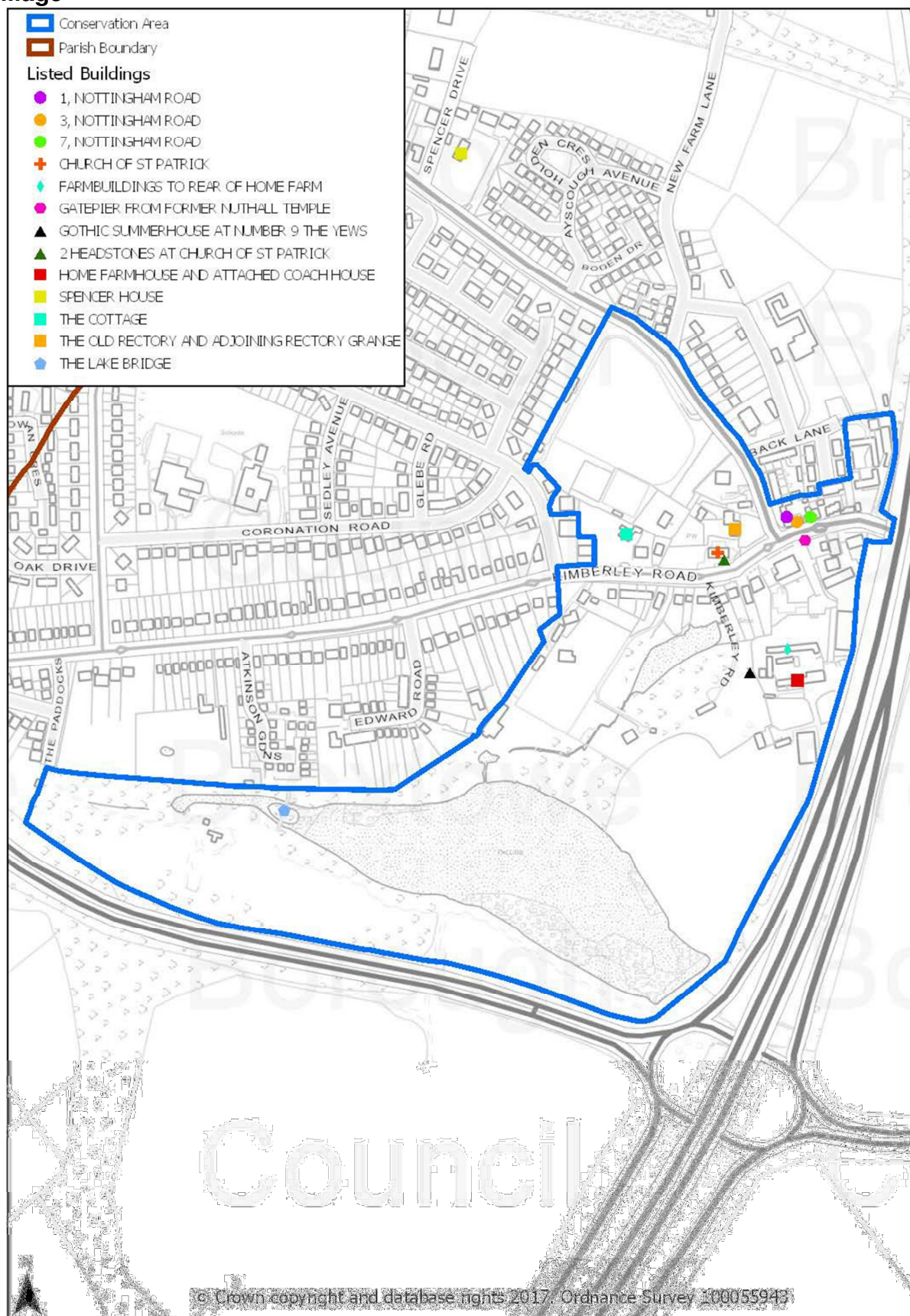
Map 3: Designated and Non-Designated Heritage Assets in Nuthall Parish remove map



Map 3: Designated and Non-Designated Heritage Assets in Nuthall Parish



Map 4: Listed Buildings within the Conservation Area 'Historic Core of the Village'



Towards the end of the 18th century, records indicate that 122 families lived in Nuthall. In 1839, it is recorded that 48 boys and 40 girls were being taught on Sundays at a school in the Rectory. One hundred years later, the population of the Parish was 404, living in 97 houses.

There were several working farms but in the 20th century, the majority have closed down including Villa Farm, Valley Farm, Town Farm, Horsendale Farm, and Assarts Farm, all providing from time to time additional land for more housing to permit the village to grow in size.



Illustration 7: Town Farm - now converted to apartments



Illustration 8: Villa Farm



Illustration 9: New Farm - under threat

There are now just 2 working farms in operation, including New Farm, which is

Local industry developed with a large factory, fuel distribution facilities, a weighbridge for heavy vehicles and a MOT Testing Centre built during the second half of the 1900s in neighbouring Watnall. All the above facilities, together with a large public allotment, are located together on a half mile stretch of the main road through Watnall/ Nuthall. This has created a busy road network with long queues at peak times on Watnall Road, Nottingham Road and Kimberley Road and especially at their junction in the old village centre. Heavy transport vehicles from the large fleets run notably by the bread factory and the fuel distribution facility are an unpleasant part of life.

The route of the M1 has pretty much destroyed what was left of the former Nuthall Village centre; the local shops, small businesses, pub and Reading Room have all closed. We are left with a Church, the old Vicarage, a pub and a busy crossroads; hardly a Centre. The old shops, including a more recent post office, have been replaced with housing.

A very pro-active local Historical Society is a splendid organisation serving the Parish with the meticulous maintenance of records and regular publication of interesting documents/books. They have provided most of the photographs used in this document.

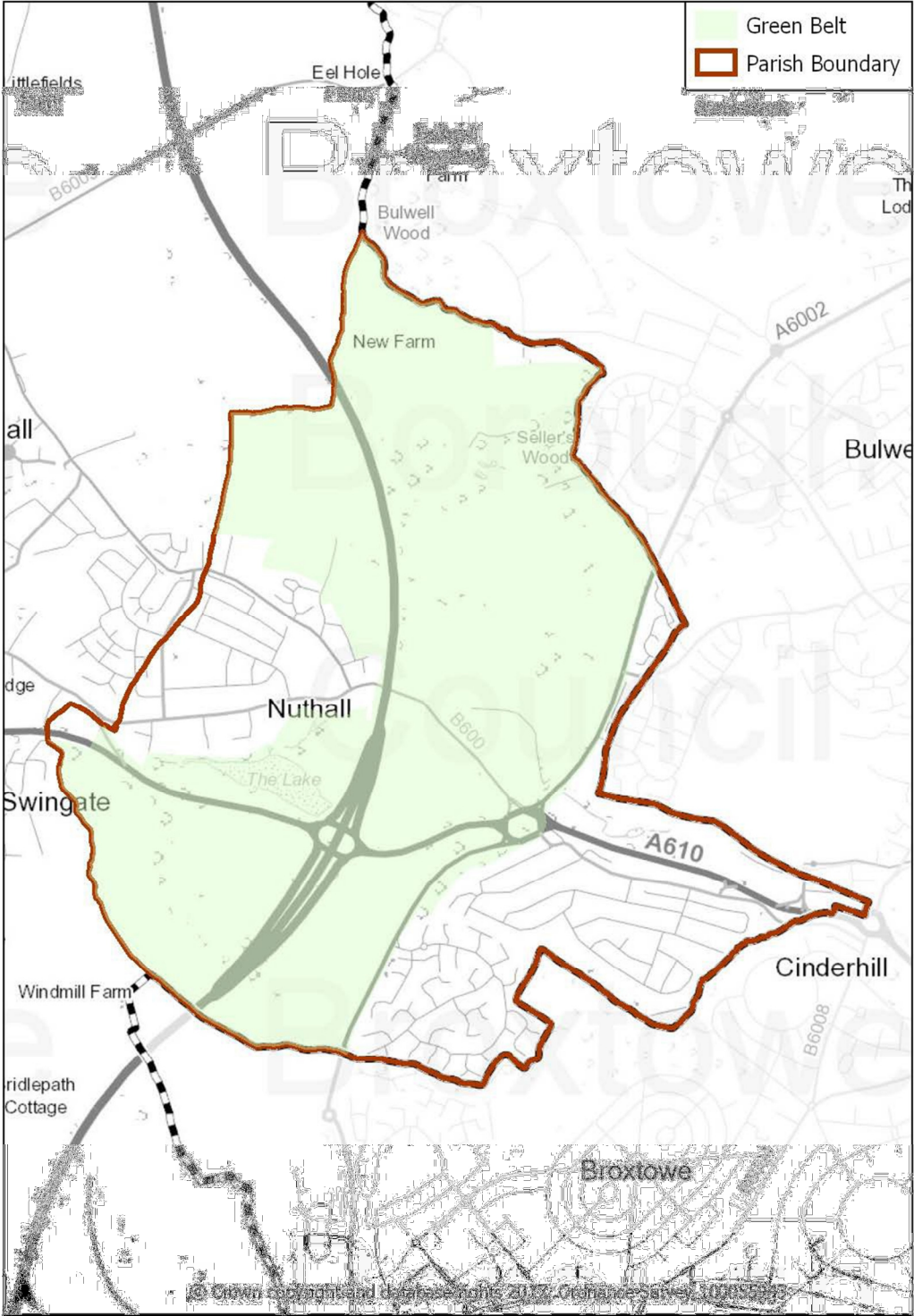
Maps 4 and 5 show the designated Nuthall Conservation Area and listed buildings, and the non-designated but local interest buildings. Broxtowe Borough Council provides data on local interest buildings, which are maintained and updated by Nottinghamshire County Council, and published on the Heritage Gateway.

Nuthall Present/Future Challenges

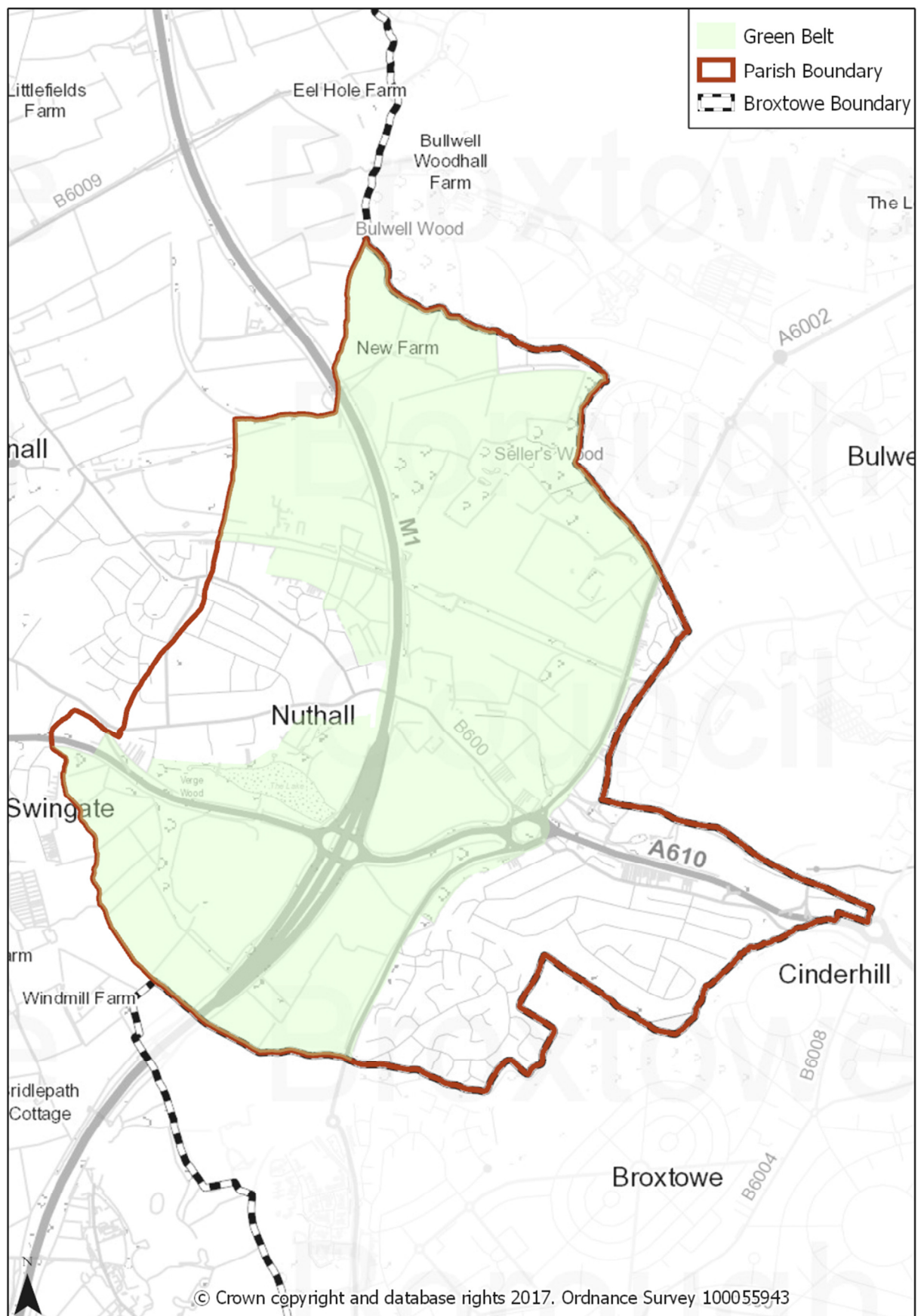
Despite the inevitable change and growth which has taken place over the last century, Nuthall still retains a sense of individuality and distinct charm compared with many of its neighbouring centres of population which have been more fully absorbed into the City of Nottingham.



Map 6: The Green Belt in Nuthall Parish [remove map](#)



Map 6: The Green Belt in Nuthall Parish



The Built environment now represents 33% of the total area of the Parish but greenbelt land still holds 67% (as shown on map 6). The two working farms are Redfield House and New Farm, the latter currently planned to be severely impacted by the proposed route of the HS2.



Illustration 13: Basil Russell Playing Field on Remembrance Day



Illustration 14: Temple Lake today

The expansion of the village population in the latter half of the 20th century was substantially on formerly greenbelt land, including working farms, and on the sites of many of the village's historic houses demolished for the purpose.

The main road, Nottingham Road, links the East and West sides of the village, some ½ mile apart, with the M1 bisecting the two (as show on Map 7) [and contributing to severance of the local communities in East and West Nuthall.](#) [The large volumes of traffic on the M1 and A roads through Nuthall are a source of noise and air pollution, with Nottingham Road / Back Lane designated as an Air Quality Management Area.](#) If the HS2 proceeds, then there will be a 80 yard stretch of this road taken up with transport infrastructure with 2 vast bridges sitting above the general level of the village,

thus generating much more unwelcome noise. There will be the consequent demolition of a number of houses to accommodate the HS2 bridge.

The juxtaposition of the M1, its Junction 26 with slip roads and major roundabout under the main carriageway, and the A610, with 1/3 mile away the 'Big' Nuthall Island, the narrow 2-lane village roads and the need to use Nottingham Road as an entry and exit from both sides of the village generates a huge volume of traffic at peak times. There is a bus and cycle lane on a short stretch of Nottingham Road and a peak time bus plug from Nuthall East at its junction with the 'Big' island. They provide a marginal benefit to traffic flow.

The M1 Motorway bridge extends some 85 yards through the 'centre' of the village as shown below. The new proposed HS2 line will be built in the foreground and is expected to cover much of the same yardage and at a similar elevation.



Illustration 15: M1 Motorway Bridge

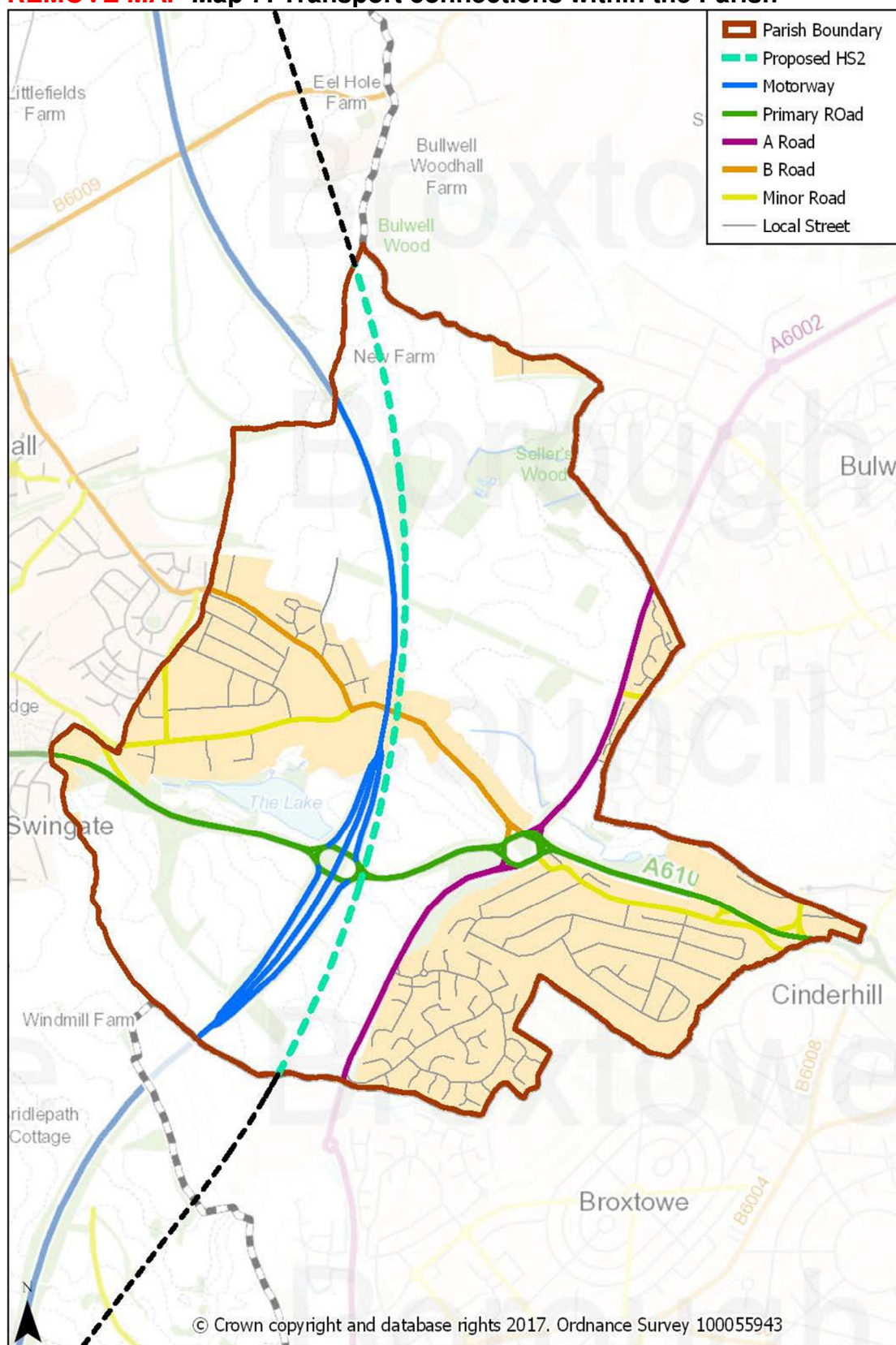
The working population sits comfortably alongside the retired community. The vast majority of working people work outside the Parish although statistics are hard to come by. The 2 large employers in bread manufacturing and smokeless fuels in neighbouring Watnall village (part of the adjoining Greasley Parish) have around 1,000 employees; all other Watnall employers on their Industrial Estate are small. ~~Very close by,~~ 2 Business Parks on the eastern borders of the Parish ~~but within the City of Nottingham~~ including Phoenix Park provide sizeable job opportunities. There is no other industry in Nuthall, and the retail outlets including 2 small general stores/newsagents, 3 hairdressers and 1 battery shop, are very small. There are many self-employed or one-man businesses, working from home. There are 4 pubs, 3 serving food, 1 restaurant, and one fast-food outlet.



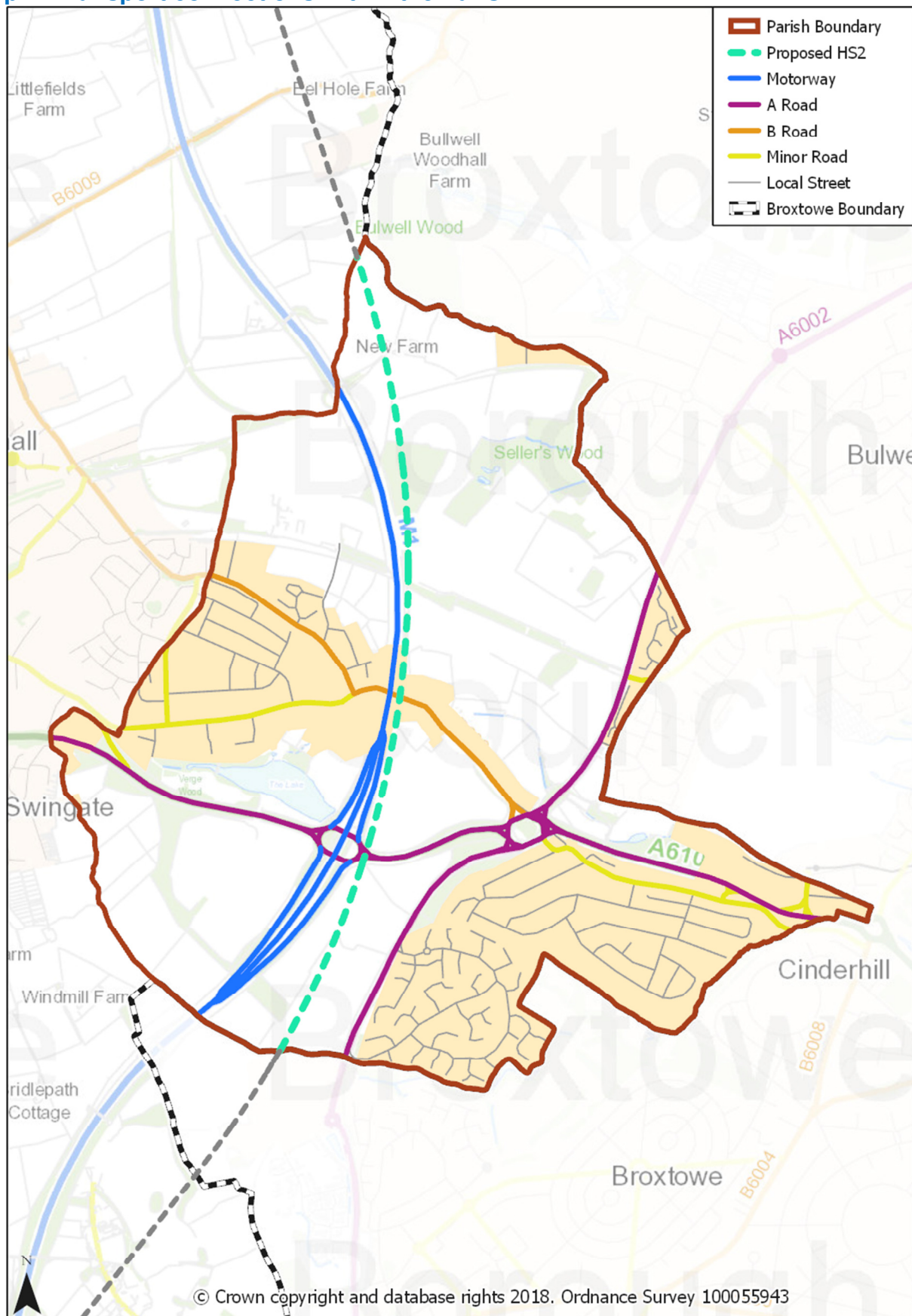
The travel to work ratio therefore is relatively high, meaning that a high proportion of local people travel out of the Parish to work on a daily basis and a small proportion of people from elsewhere go to work in Nuthall. and in combination with Nuthall's role as a through route to all destinations, ~~there is~~ this gives rise to a major peak-time traffic problem.



REMOVE MAP Map 7: Transport connections within the Parish



Map 7: Transport connections within the Parish



Young children are well catered for in good Infant, Primary and Junior schools with additional places scheduled to meet demand. Most over 11s attend the nearby Kimberley School (in the Kimberley Parish) which has Academy status; the proportion of students eligible for free meals is average, a lower than average proportion whose main language is not English and 6 % are from minority ethnic groups. The proportion of students with special needs is average. The school has specialist status in technology. The latest Ofsted reports grades the school as good and rapidly improving.

There is one care home and one nursing home for senior citizens in the village, and there is one on the boundary with Watnall. In Nuthall there is also a home catering for up to 24 physically and mentally disadvantaged children.

Basil Russell Playing Field providing access to many sporting and leisure facilities for all age groups. Further open spaces (shown on the plan on map 9) remain including part of the site of the former 'Temple' and other greenbelt land.

No sites are allocated for housing development in the Nuthall Parish, but a housing commitment on land adjacent to Hemphill Hall is expected to provide 116 new homes. There are no brownfield sites in the Nuthall Parish itself available for major development, but the old coal mine on the City of Nottingham boundary with the Parish is already converted to a tram terminus and Business Park, and the former Kimberley Brewery, in the adjoining Parish to the north-west, scheduled for future new housing development to meet Broxtowe's Aligned Core Strategy housing requirement.

Community activities feature strongly in Village life for with classes, groups, clubs existing to meet most people's needs. Sport (both internal and external) and social (eg. fitness, WI, Boys' Brigade, Girls' Brigade, Scouts, Guides, Brownies, choirs and many other activities). The two well attended Churches are prominent in the provision of such community services.



Illustration 16: Nuthall Methodist Church



Illustration 17: The Temple Community Centre

Vision and Objectives

Vision:

The vision of the Steering Group was to prepare a plan that would:

“Deliver the long term aims of a vibrant, desirable and sustainable neighbourhood, whilst maintaining the semi-rural nature of the Parish on the outskirts of Nottingham, surrounded as it is in large measure, by greenbelt land. A key issue is the need to protect Nuthall's rich history and heritage”.

Objectives:

1. Maintain and where possible enhance the balanced, inclusive community structure in Nuthall in the provision of local jobs and other facilities. Take advantage of the opportunities from the proximity to Kimberley (for retail, secondary schooling and indoor fitness) and speedy access to Nottingham, for all needs, which is a useful feature of local life in the provision of services not located in the Parish itself.
2. Housing and Transport Infrastructure development must take account of the existing burdens of the construction of the M1 motorway in the 1960's and the route proposed for the HS2 rail system alongside the motorway with their detrimental impacts on health (noise and pollution), traffic congestion (time loss and frustration) and any further loss of greenbelt. **New development should protect and enhance the local environment, green and open spaces, trees and ancient woodland.**

~~Key resident concerns are future Housing needs (and associated Transport infrastructure) and it is in these areas that the points tabled in this document will become the starting point for considering future potential development in any proposals.~~ In order to address residents' key concerns, and contribute to the achievement of sustainable development, and proposals for future housing development must take into consideration their likely impact on traffic levels and transport infrastructure in the Parish, on the health and wellbeing of the local community, and on the quality of the countryside. The Neighbourhood Plan supports sustainable economic growth and prosperity in the Parish to meet the needs of local businesses. Broxtowe Borough Council and its Planning Department will be expected to take full account of these policies.

This plan once made will form part of the Development Plan for Nuthall Parish. Policies will be monitored as part of Broxtowe Borough Council's Local Authority Monitoring reports.



Neighbourhood Plan Policies

Policy 1: New Housing

New housing including changes of use **to housing** within the existing built up area of Nuthall as defined on the Policies Map will be supported where the following criteria are met

- i. The necessary infrastructure **and/or measures to deliver more sustainable transport usage** is provided which will assist in reducing the need to travel particularly by private car.
- ii. There are no **adverse** environmental **issues effects** or **other land use designations conflicts with planning policy** which indicate that housing development should not take place.
- iii. The development will ensure adequate standards of amenity for new occupiers of the housing and will not result in any unacceptable adverse impact on neighbouring occupiers.
- iv. The development should contribute in a positive way to the character and appearance of the area.
- v. For development of 5 or more homes, a minimum of 20% of **the houses the units** should be designed to cater for the needs of elderly or **residents those** with limited mobility-, **subject to viability and the requirements to provide affordable housing**.
- vi. The loss of houses that are suitable for elderly residents or those with limited mobility will be resisted.

There is a need for housing to cater for the needs of the elderly. This could be bungalows or 'extra care' type residential accommodation. This would cater for the high numbers of elderly people within the parish who wish to remain there and also would free up housing for the younger generation who will be looking for housing over the plan period within the Parish. ~~There are not the same issues in relation to a lack of affordable housing in Nuthall as elsewhere. The affordability ratio is significantly better in Nuthall to elsewhere in Nottinghamshire.~~ The adopted Part 1 Local Plan (Policy 8.5) sets a target for



new affordable housing provision in Broxtowe of 30%. Nuthall is included in the Kimberley housing sub-market within Broxtowe, where the emerging Part 2 Local Plan seeks 20% or more affordable housing on sites of more than 10 units (Policy 15). Housing development proposals which are unable to satisfy the criteria in this policy, as well as deliver some affordable housing, should provide a viability assessment to demonstrate why such a scheme would not be deliverable.

Nuthall includes a housing commitment for 116 new dwellings to be provided on land adjacent to Hempshill Hall. Broxtowe's Strategic Housing Land Availability Assessment (SHLAA) indicates that there is a good supply of sites for housing in Nuthall with implementable planning permissions. It is not considered necessary to make any site specific allocations for new housing. A criteria based policy will suffice to ensure the needs of the Parish are met. This is in accordance with the principle of lifetime homes and seeks to address the shortage of suitable accommodation for the elderly.

Major development proposals (for 10 or more dwellings) should be accompanied by a Transport Statement or Transport Assessment which demonstrates (possibly through a Travel Plan) how future residents will be encouraged to use sustainable transport modes, notably public transport, cycling and walking, and/or electric powered vehicles.

Regarding environmental effects, much of the land in Nuthall lies in the Green Belt. Protected wildlife sites, the Conservation Area and listed buildings are among the other special features which should not be harmed by the provision of new housing.



Policy 2: Nuthall Village Centre

The area immediately adjacent to St Patrick's Church (as show on map 8 and the Policies Map) is designated as Nuthall Village Centre. Within the village centre new retail and business development will be supported where the following criteria are met

- i. The development is of a scale and nature that is proportionate to the role and function of the village centre, and individual units should not exceed 2580 square metres.
- ii. It does not result in any unacceptable impact on the amenity of adjacent and nearby occupiers.
- iii. Appropriate provision is made for vehicle parking and highway safety.
- iv. Where physical alterations are proposed, these will contribute in a positive way to (ie. preserve or enhance) the character and appearance of the Conservation Area.

There is a need to create a new village centre around St Patrick's Church of a scale that does not detract from the role or function of larger nearby centres. Development within Nuthall should lead to additional investment in these nearby centres and shorter travel to work distances.

Policy 3: Live Work Units

Applications to enable small scale businesses to be operated from home or 'Live Work units' will be supported where there is no unacceptable adverse impact on the local environment, the amenities of neighbours or traffic conditions.

The encouragement of 'live work' units could assist in reducing congestion on nearby roads and addressing the long travel time to work from residents in Nuthall. This could help address the air quality issues around Junction 26 of the M1 Motorway.



Map of the village of Bixton, showing the village centre highlighted in blue. The map includes roads like Watnall Road, Back Lane, and Kimberley Road, as well as features like a play area, a church, and a river. A legend in the top right corner identifies the blue area as the 'Village Centre' and the orange outline as the 'Parish Boundary'. A north arrow is located in the bottom left corner.



Policy 4: New and Enhanced Green Infrastructure Network ~~Open Spaces~~

Subject to not conflicting with other relevant planning policies in the Neighbourhood Plan or the Broxtowe Local Plan, planning applications will be supported which meet the following criteria:

- i. Improve the quality and extent of recreation and play areas within the Parish.
- ii. Provision of allotments.
- iii. Provision of new open spaces, recreational areas, routes to connect green infrastructure appropriate for cyclists and walkers including dog walkers, in particular routes which link areas of population within the Parish.
- iv. The conservation of ancient woodland, mature trees and hedgerows, the creation of new woodland areas, and the ~~enhancement of existing~~ planting of new trees.
- v. The creation of new wetlands, ponds, wildflower meadows, green lanes and field margins, and the enhancement of existing ones, and
- vi. The provision of features to provide net gains for wildlife such as bat / bird boxes, urban drainage ponds and swales and native species planting.

New allotments should be sited on land appropriate for plant-growing, within easy walking distance of residential areas.

Nuthall includes the Sellers Wood site of Special Scientific Interest and other local wildlife sites, as shown on Map 9, along with the Basil Russell Playing Fields and other areas of open space and woodland. It is important for the future health and wellbeing of local people, as well as for the natural environment, that green infrastructure is appropriately conserved and enhanced.

It is particularly important that development within Nuthall includes the necessary infrastructure provision as there are already problems arising from too many long distance trips by car. This will include the provision of and improvements to, open space, schools and health facilities.

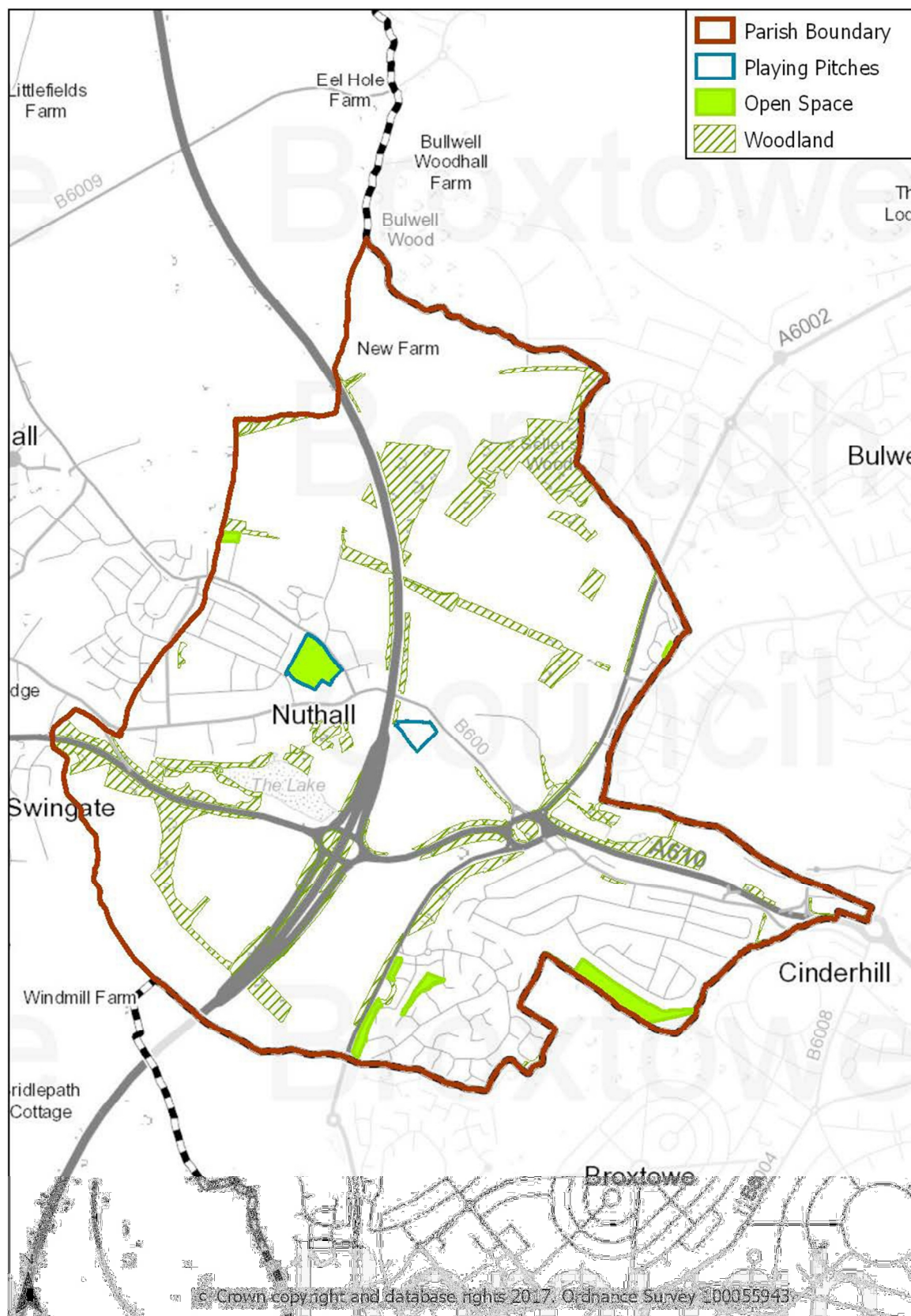


There are significant congestion issues around the Parish and near Junction 26 of the M1 motorway in particular. Steps should be taken to encourage a reduction in the number of cars on the roads, and to improve the attractiveness and availability of short routes for cycling and walking.

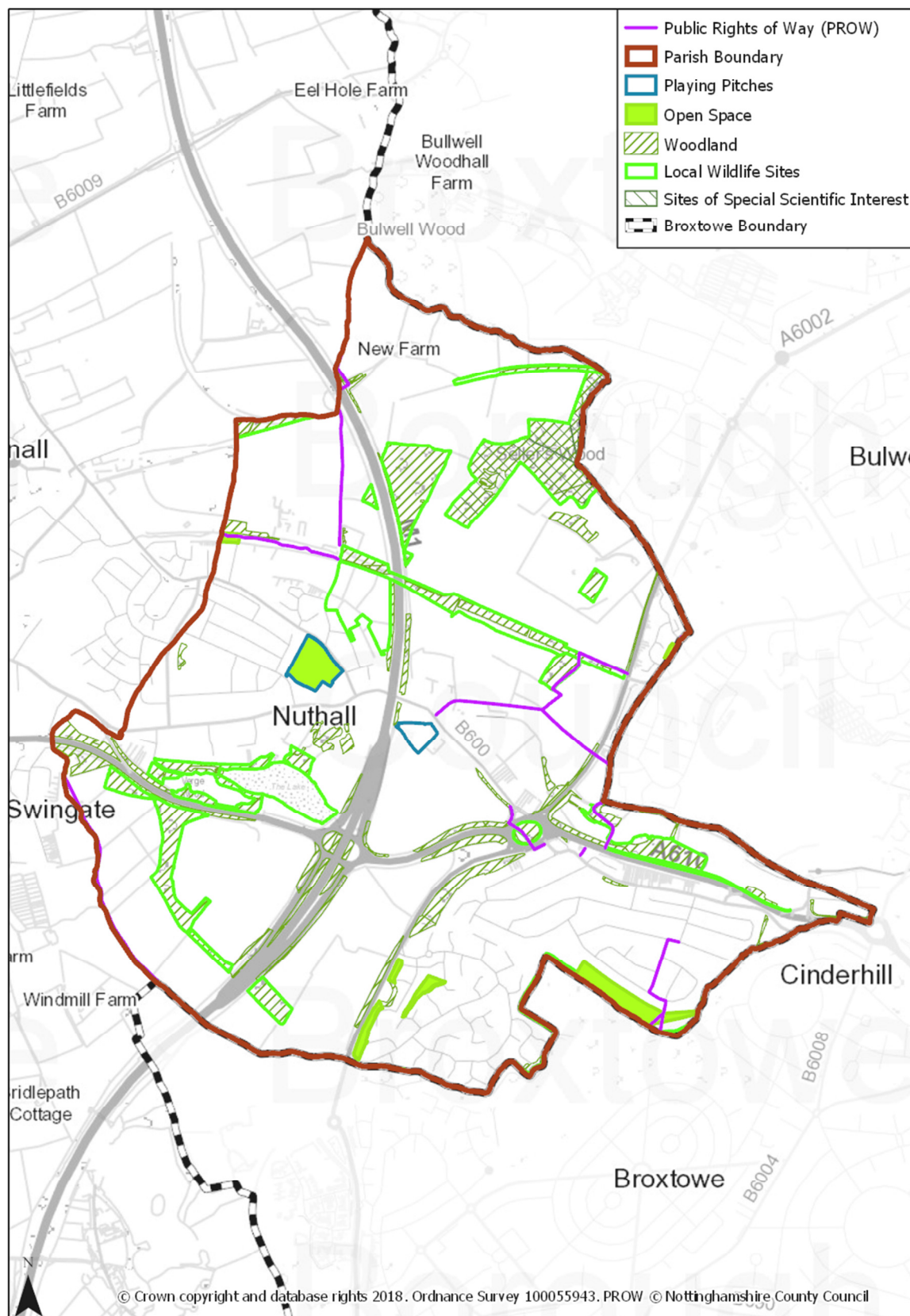
In the longer term possible funding should be sought to mitigate and compensate for damage to and loss of wildlife habitats from development of the HS2 railway.



Map 9: Existing Playing Pitches, Open Spaces and Woodland in the Parish
 (remove map)



Map 9: Existing ~~Playing Pitches, Open Spaces and Woodland~~ Green Infrastructure Network in the Parish



Policy 5: Design and the Historic Environment

- i. Design of all new development should enhance and positively contribute to the character of the area in which it is located (as described below and shown on map 10).
- ii. Any development affecting designated or non-designated heritage assets should preserve and ideally enhance the heritage asset in line with its significance.
- iii. Design of all new development and its construction should minimise the creation of waste, using recycled materials wherever possible. At the construction stage and when in operation, new development should provide for the disposal of waste in a sustainable fashion.

Developers should ensure that their proposals meet the requirements of Policy 10: Design and Enhancing Local Identity of the adopted Part 1 Local Plan for Broxtowe, and subsequent policy to promote good design in the Part 2 Local Plan.

There are 4 distinct character areas in Nuthall (as shown in map 10), these are:

Mornington

Located to the south east of 'Nuthall Island' the Mornington estate has a consistent character which comprises of a more modern housing development which accesses Woodhouse Way from the Mornington Crescent loop road.

Mornington is typified by:

- Detached two storey houses with off-road parking.
- Small front gardens and private rear gardens.
- Community facilities with a school, pub, local retail centre and medical centre.

Horsendale

Located to the south east of 'Nuthall Island' and south of the A610 the Horsendale character area contains a mix of house types and ages and is typified by;

- A mix of single storey and two storey detached houses and bungalows with off-road parking.
- Direct pedestrian access to the facilities on the Mornington estate and a pub off the A610.



Larkfields

Located to the west of the 'Nuthall Island' Larkfields character area is bisected by the M1 Motorway and includes the more historic core of the village. The Larkfields character area is typified by:

- A mix of housing types.
- The historic core of the village comprises a Conservation Area which is distinct in character from the other areas. This area is where the focus of the Listed Buildings within the Parish are concentrated.
- Outside of the historic core the character of the area is typified by semi-detached two storey houses with large front and rear gardens.
- Community facilities with a school and access to a small retail centre located outside of the Neighbourhood Plan Area (adjacent to Ash Crescent).

Hempshill

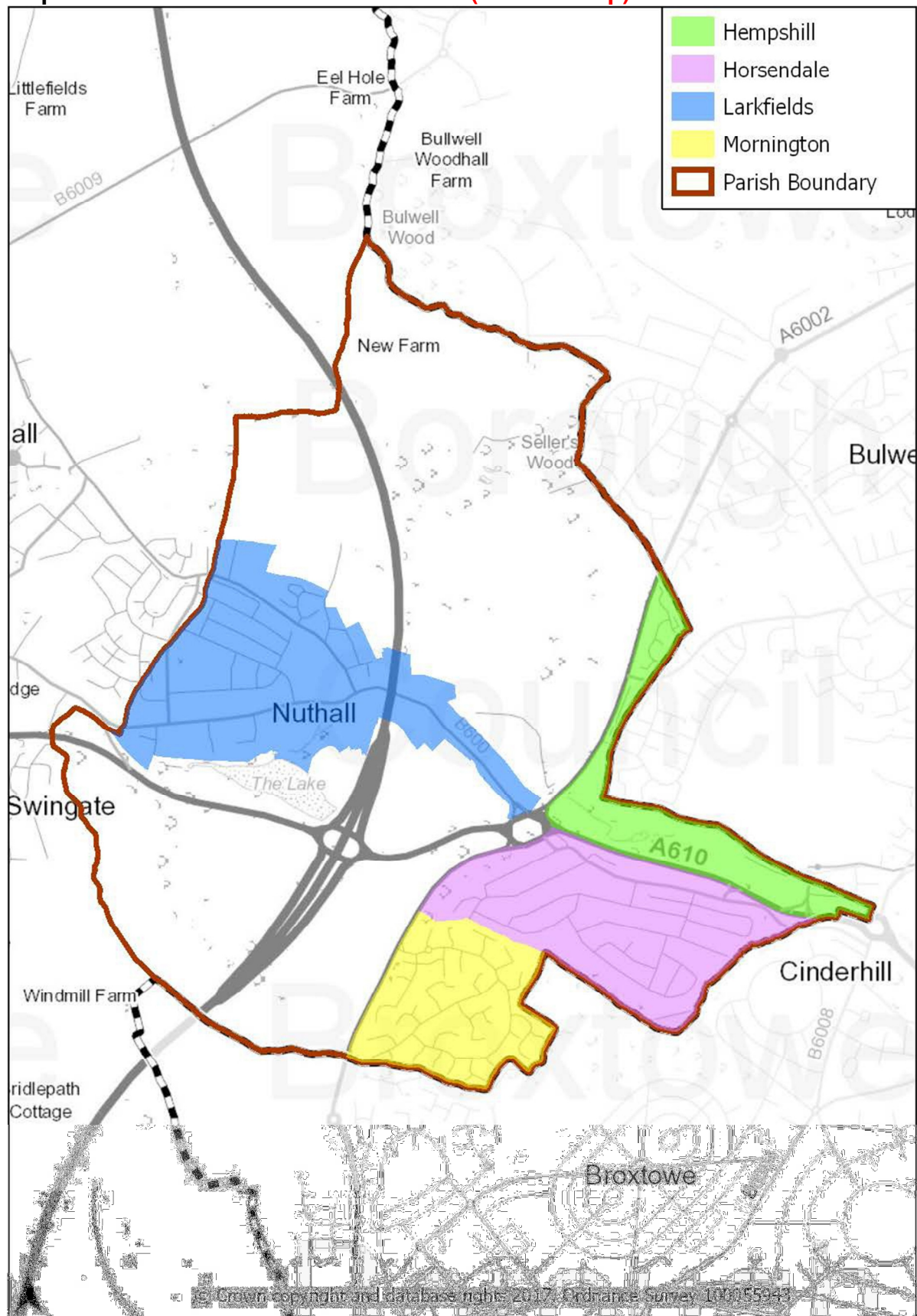
Located to the east of 'Nuthall Island' north of the A610 the existing residential area of Hempshill is the smallest of the character areas. The Hempshill character area is typified by:

- A mix of single and two storey houses and bungalows.
- A mix of detached and semi-detached houses with off-road parking.
- All of the houses benefit from front small gardens and rear gardens.
- There is a range of Listed Buildings at Hempshill Hall.

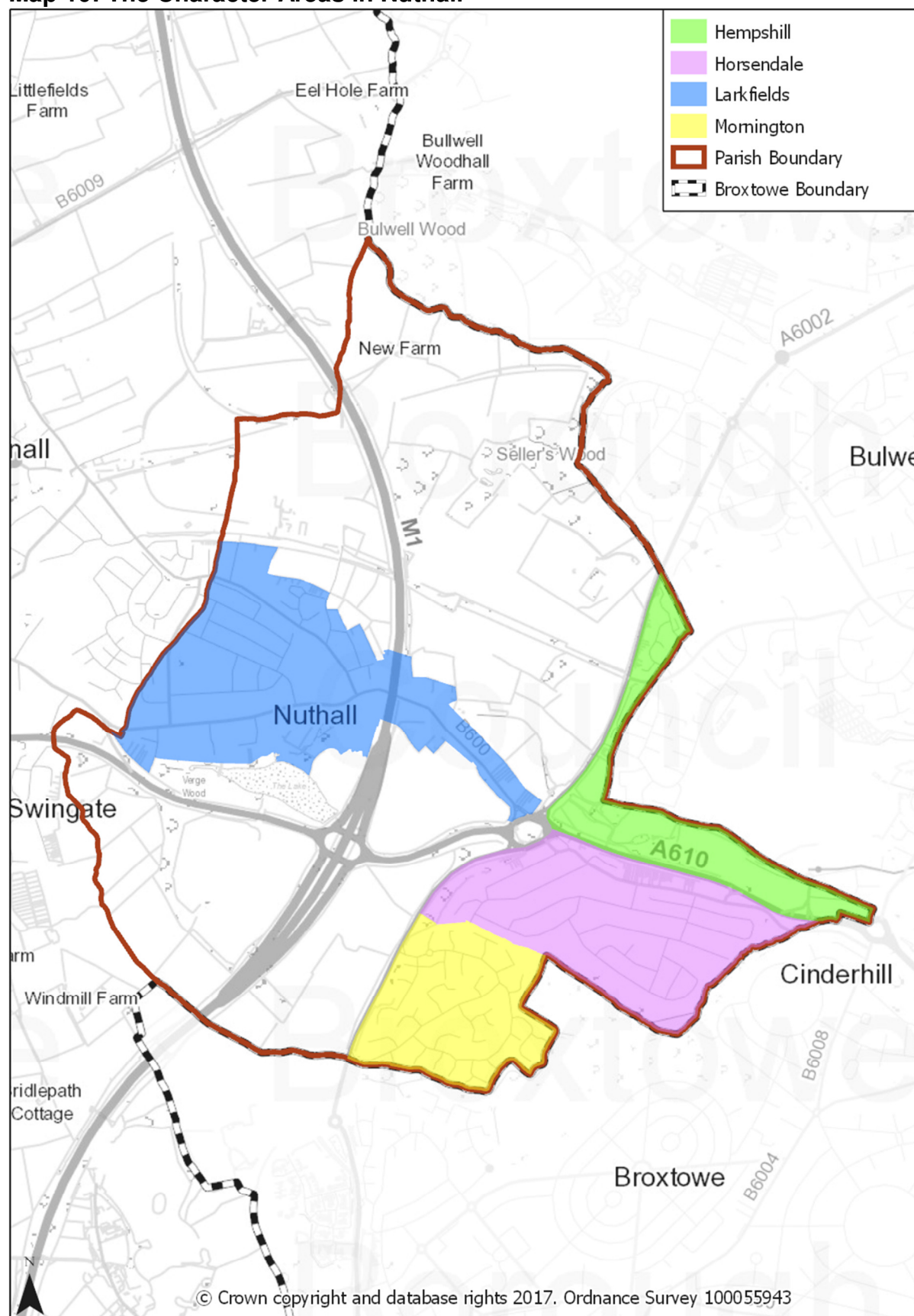
For all of the above areas, where it is feasible and viable, it is expected that all new development will be designed, constructed and implemented to minimise creation of waste, maximise the use of recycled materials and assist in the collection, separation, sorting, recycling and recovery of waste.



Map 10: The Character Areas in Nuthall (remove map)



Map 10: The Character Areas in Nuthall



Local Aspirations

Subject to not conflicting with other relevant policies, planning applications and other investment decisions will be supported which contribute to the following priorities.

- i. The easing of congestion around J26 of the M1 motorway
- ii. The provision of shared use sports facilities for residents and schools
- iii. The provision of a new GP surgery, dentist and post office
- iv. The provision of a Country Park

The local aspirations reflect the important local priorities that were raised as issues through the extensive consultation undertaken with people who live and work in the Parish.

Initiatives to promote greater use of public transport, cycling and walking, and traffic managements measures across the wider area, provide a starting-point for the development of a strategy to ease congestion around J26.

The aspiration for a Country Park reflects the aim to protect and enhance the local landscape character of Nuthall with its green and open spaces, ancient woodland, mature trees and wildlife habitats, so that they can be appreciated by local residents and visitors to Nuthall.



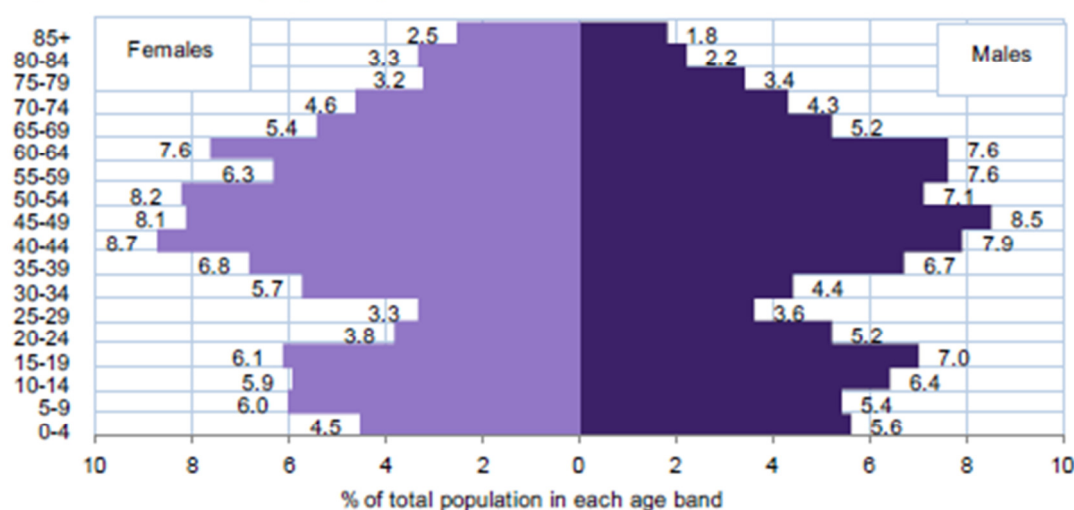
Appendix 1: Supporting Background Evidence

All numbers are extracted from the 2011 census or specific websites. Some numbers have been obtained by interview with the relevant parties.

The Population of Nuthall

Nuthall has a population of 6,310, equally divided between male and female. This population represents 5.8% of the Broxtowe Borough Council population. The age distribution is:

Population estimates by 5 year age band



18% of the population (1,135 people) in Nuthall are over the age of 65 which is almost 2% above the England average. Nuthall has above average number of pensioner households.

There are significant numbers of people aged between 40 and 54 (25% of the population). There is also a sizeable proportion of the local population aged between 5 and 19 (18% of the population).

Satisfaction with the parish is high with significantly lower crime rates in the parish than the Nottinghamshire and UK averages. Participation in Sport is slightly lower than the Notts and UK average.

Housing and the Built environment

Nuthall has significantly more home ownership and more detached houses than the Nottinghamshire and England averages. Median house prices are £171,670 for detached houses which is in line with the Nottinghamshire average, but is approximately half the average for England as a whole. This is reflected in the affordability ratio (median house prices as a ratio of median income) of 10.3 in Nuthall compared with the England Average of 15.4. There are very low



percentages of people living in overcrowded households.

There are 2,505 households in Nuthall. The characteristics of these households are:

English is used as the only language in 2,375

Sole ownership is recorded of 2,284, and sole/shared of 2,420

4 or less people occupy 2,346

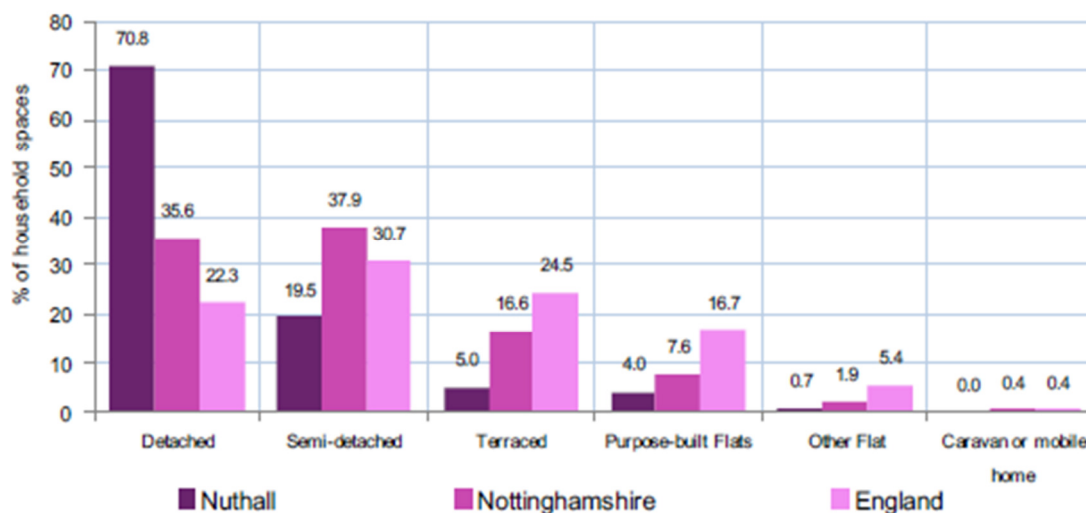
1,887 are detached, 502 are semi-detached

There is 1 Care Home for physically/mentally handicapped children

The proportion of single homes and rental homes is small

Unoccupied property is not an issue

Dwelling type breakdowns



At the time of writing, the Kimberley housing sub-market which includes Nuthall is expected to provide up to 600 new homes by 2028. This target was set in the adopted Part 1 Local Plan for Broxtowe (the Aligned Core Strategy); the target for new build housing demanded by the Borough Council's agreed plan is 600 (Nuthall and the adjacent Kimberley together); some 451 have been approved to date including 128 on the area's only remaining brownfield site at the former Kimberley Brewery. Further ~~agreement is~~ permissions are expected to be granted ~~to the balance of requirements~~ to provide up to 600 units on an in-fill basis without encroaching onto greenbelt land.

Broxtowe Borough Aligned Core Strategy

The strategy is urban concentration and regeneration with policies 2 (The Spatial Strategy) and 3 (Green Belt) working in tandem to ensure that the housing delivery figures for Broxtowe are met in line with the settlement hierarchy and that the Green Belt is protected with a search sequence for sites as follows-



Firstly land within the development boundaries of the main built up area of Nottingham. Key Settlements for growth and other areas.
Secondly, other land within the Green Belt (Safeguarded land).
Thirdly, Green Belt land adjacent to the development boundaries of the main built up area of Nottingham, key settlements for growth and other villages.

There are no specific housing delivery figures for Nuthall in the Core Strategy. The built up areas of the Parish east of the M1 motorway form part of the main built up area of Nottingham where most new housing development is to be directed. However of this figure of 3,800 homes within this area the Core Strategy contains provision in paragraph 3.2.22 for this to be directed mainly to the urban south of the Borough. Kimberley is identified as one of four 'key settlements' with the housing delivery figures of up to 600 new homes for Kimberley. This includes the built up areas of Nuthall west of the M1 motorway.

The narrow gap between the areas of Nuthall east and west of the M1 motorway is identified in several background evidence papers to support the Core Strategy as one of the most sensitive Green Belt gaps in Greater Nottingham. See in particular the Green Belt background paper for the Core Strategy.

Policy 6 of the Core Strategy identifies the network and hierarchy of town centres within Greater Nottingham. There are none of these centres within the Parish of Nuthall, but the closest two are Bulwell Town Centre (which the Core Strategy elevates to the role of a Town Centre within Nottingham City) and Kimberley which is identified as a District Centre.

SHLAA

The Strategic Housing Land Availability Assessment (SHLAA) is a catalogue of sites within the borough (gathered through a number of sources) which are assessed on their ability to accommodate housing and the timescale at which housing delivery may be achieved.

The SHLAA is a key piece of evidence used by the Borough Council to inform the choices of sites to consider for allocation. The assessment of each site is made irrespective of the level of housing provision that is needed (i.e. there are more sites in the SHLAA than needed to meet the housing requirement). Therefore, the inclusion of any site in the SHLAA does not guarantee that either planning permission will be granted or that the site will be allocated for residential development.

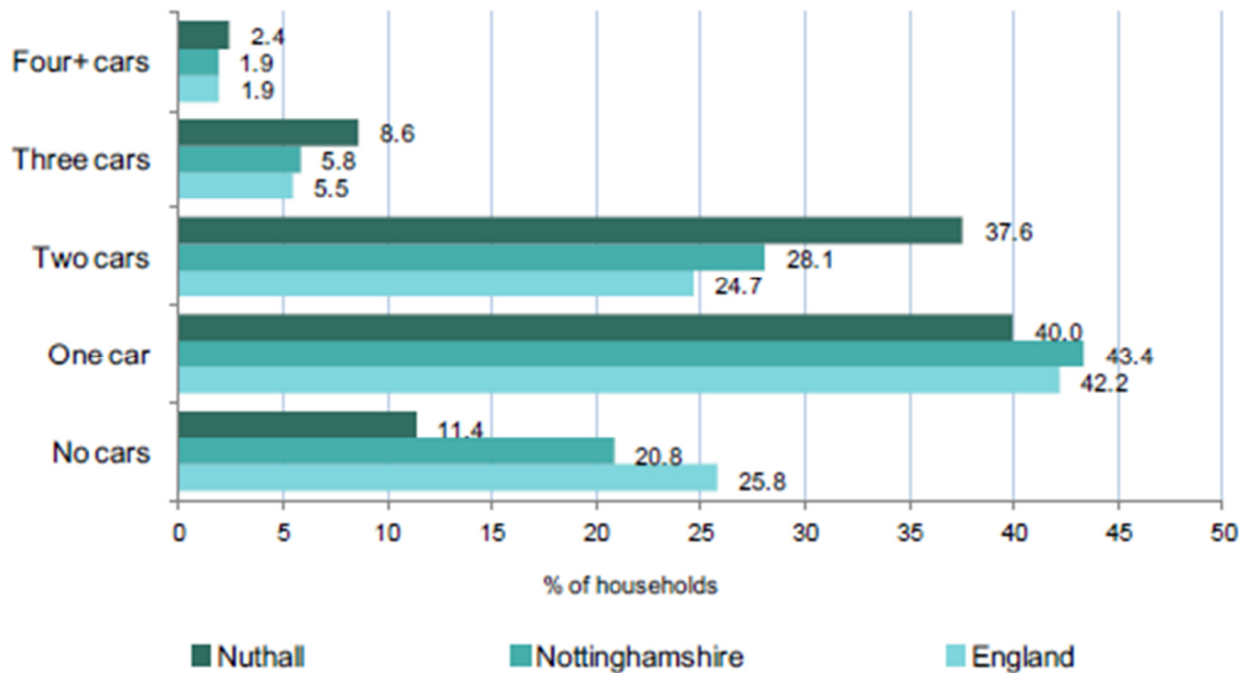
The SHLAA is published on an annual basis and there is a substantial availability of sites with planning permission within Nuthall especially within the built up area of Nottingham. The largest of these is at Hempshill Hall, Low Wood Road.



Transport

Car ownership is significantly higher than the Nottinghamshire and England Averages and the number of households with no car is well below the England average. In terms of travel to work there are lower percentages of people in Nuthall travelling less than 2km to work compared to Nottinghamshire and England averages. Other distances are broadly comparable.

Car ownership



There are 3,837 'in the area' Household vehicles total 2,227;
990 Households own 1 car/van
955 own 2
282 own 3 or more
Only 281 Households have no car/van
There are 2 large commercial HGV fleets

Of the working-age population (4,633), 2,533 use their own transport to get to work, with 296 using public transport and 150 working from home.

Public Transport

~~For public transport the times to access a variety of services are similar to the County and National averages.~~ Nuthall is well served by frequent bus services to/from the City of Nottingham and from the districts to the West and North West of the Parish. Buses operate every 10 minutes between Nottingham and Eastwood with extensions to Heanor, Ripley or Alfreton every 20 minutes.



Hourly bus services between Derby and Hucknall run through Nuthall , and trams operate every 7 minutes into the city from Phoenix Park on the eastern edge of Nuthall. ~~There is a Tram terminus on the Parish boundary, serving the City Centre; this is located on the site of the former Babbington Colliery which closed in the 1980s and which was the nearest coal mine to Nuthall.~~

However, the public transport time to a hospital is significantly higher for Nuthall than elsewhere.

Cycling Routes

Cycle lane provision is minimal with one on the main Nottingham Road through the village. There is one bus lane on the busiest part of the main through road. There is a bus plug at one junction on the 'Big' traffic island. They are designed to help traffic flows at peak times and enhance safety.

The M1 Motorway



Illustration 13: M1 under construction mid 1960s shows the bisection of the village

The M1 runs through the Parish; Junction 26 serves as an entry and exit point for all traffic to/from the North West of the City of Nottingham. All 6 roads from the M1, the south, north, east and west meet at a large roundabout in Nuthall about 1/3 mile from this Motorway junction (known as the 'Big' island) and represents a focal point for heavy traffic congestion especially, but not exclusively, at peak traffic periods. Associated noise pollution is considerable and a key resident concern is the need to improve this blight (notably for the



benefit of residents in West or Old Nuthall) with special regard to the burden of HS2.

HS2

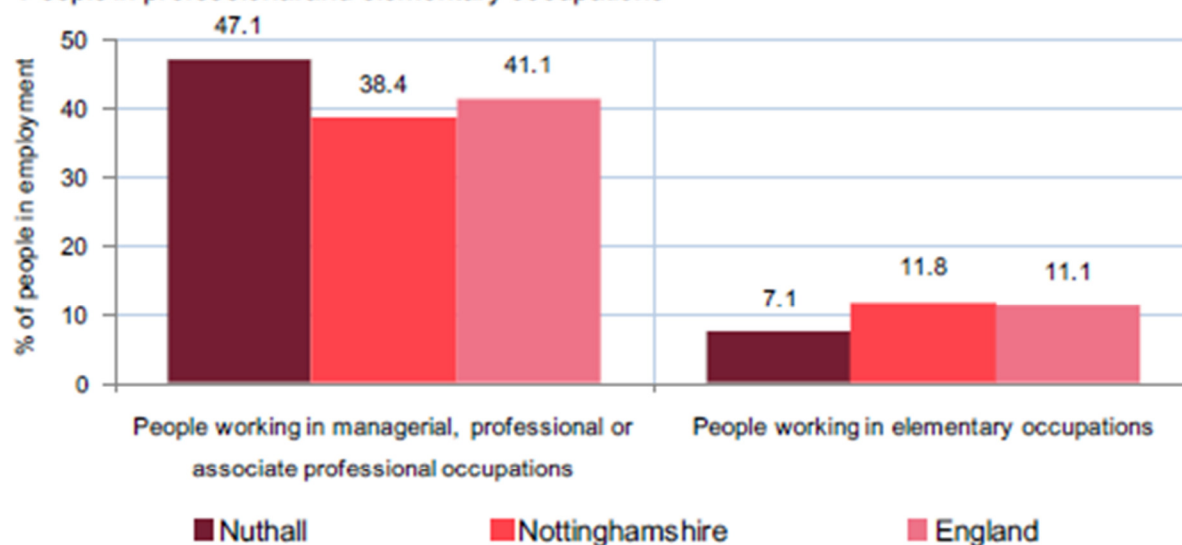
The new HS2 route will run alongside the M1 and is of considerable concern to local residents. Since Toton has been chosen as the East Midlands Hub station, it is believed that the route will be on the east side of the M1. The route is not welcome because of the devastating effect it will have on the village.

Employment

There are significantly lower levels of unemployment in Nuthall than the Nottinghamshire and UK averages. There are 3,317 economically active residents in the Parish which equates to 72% of the population aged between 16-74 (compared with the England average of 70%). Comprising predominantly of higher skilled/ higher paid jobs. Educational attainment and skills are higher in Nuthall than the Nottinghamshire and UK average. The largest employment sector for Nuthall residents is Retail followed by Health and Social work, followed by Education.

Low levels of deprivation and benefits, income support and pension claimants.

People in professional and elementary occupations



There are significantly higher average household incomes and across all measures there is lower deprivation than in Nottinghamshire and England.

Female employment is 1,473 and male 1,661, categorised by jobtype: Higher management 209 and 421

Lower management 587 and 491

Intermediate 538 and 162

Lower supervisory 89 and 244



Routine 517 and 397
Work from home is put at 150.
The Student population is 335.
Unemployment is very low.
The retired population is 783.

Industry, Retail and Entertainment

There are 2 large businesses located in the adjacent Watnall village. Fernwood Fuels is a distributor of smoke-free fuels, has vast storage facilities and a substantial vehicle HGV fleet. Employment is over 1,000 employees for these businesses with frequent in/out deliveries with a large fleet of HGVs. Both these businesses create a substantial amount of traffic on Nuthall's main thoroughfares during an 18-hour day at peak and non-peak times.

There is a small but thriving Industrial Estate and facilities for HGV weighing, MOTs and driver training, also in Watnall, exacerbating the road congestion in Nuthall.

All the above facilities, together with a large public allotment, are located together on a ½ mile stretch of the main road through Watnall/Nuthall.

There are 2 business parks, Phoenix Park in the Parish itself and the other on the border of the Parish but within the City of Nottingham. Both these provide significant employment opportunities but also further traffic congestion on roads that were not designed for such volumes of traffic they now help generate.

Retail

Retailing is very limited in the Nuthall Parish itself; there are 2 small general stores/newsagents, 3 hairdressers and 1 battery shop. There are 5 pubs all serving food, 2 restaurants, and one fast-food outlet. The Parish does not have a Post Office as two have closed in the past five years.

The Parish is well served by the retail facilities in nearby Kimberley, Eastwood and the city of Nottingham, with nearby Kimberley providing much of the shopping need, including a large supermarket.

Schools

There are 4 schools in the Parish, but no secondary schooling provision (which is provided in nearby Kimberley).

2 Primary schools:

- Horsendale for 5 to 11s with an intake of 30 and total pupils 213
- Mornington for 5 to 11s (40/289) 1 Infant school
- Larkfields for 5 to 7s (60/181) 1 Junior school
- Larkfields for 7 to 11s (60/227)



More capacity is planned for Horsendale Primary to meet scheduled demand.

Churches

St Patrick's is the Anglican Church and there is also a Methodist Church; both are well attended. They also provide excellent facilities for local groups requiring room hire for public or private events, and support the local people who require additional help with meals and social activities. Between them, they house very active Boys' and Girls' Brigades, Scouts, Guides, Brownies and Youth Clubs.

Health Care

There is one doctor's surgery on the Assarts Farm estate; however the majority of the local population is served by longer established facilities in the immediate neighbouring parishes plus the city of Nottingham.

On various health statistics Nuthall is shown as a healthier Parish than Nottinghamshire and England averages. There are lower percentages of older people with social care needs than the Nottinghamshire and England averages.

Recreational Facilities

The Parish is well served by three Community Halls, the main one being the Temple Centre run by the Parish Council, where occupancy is high and served by two halls, kitchen and several meeting rooms on the ground and first floor. St Patrick's Church Hall has similar facilities and is used both by the Church itself and the general public. The third is a smaller facility adjacent to Horsendale Primary School.

There is a large Playing Field (Basil Russell) with a cricket/football pitch, tennis and bowls together with a children's playground and designated walking area for pedestrians and dogs. The Village Memorial to those who served in World Wars is located here. There is a building which serves as a changing room, kitchen and spectating area.

Each of the schools have their own external facilities. The nearby Kimberley Academy provides access for the general public to a Sports/Fitness facility, including a swimming pool with joint use between the School and Broxtowe Borough Council.

CO2 emissions, recycling rates, waste and waste per head are all better in Nuthall than the Notts and England averages. There is a very high population density in Nuthall with 23.1% of the population living in the 'most environmentally deprived area'. [This is due to sub-standard air quality and the lack of green landscape in particular around junction 26 of the M1 motorway. The main cause of sub-standard air quality is emissions from cars.](#)



Policies Map

The policies in the Nuthall Neighbourhood Plan should be read in conjunction with the Policies Map, which accompanies this Plan.

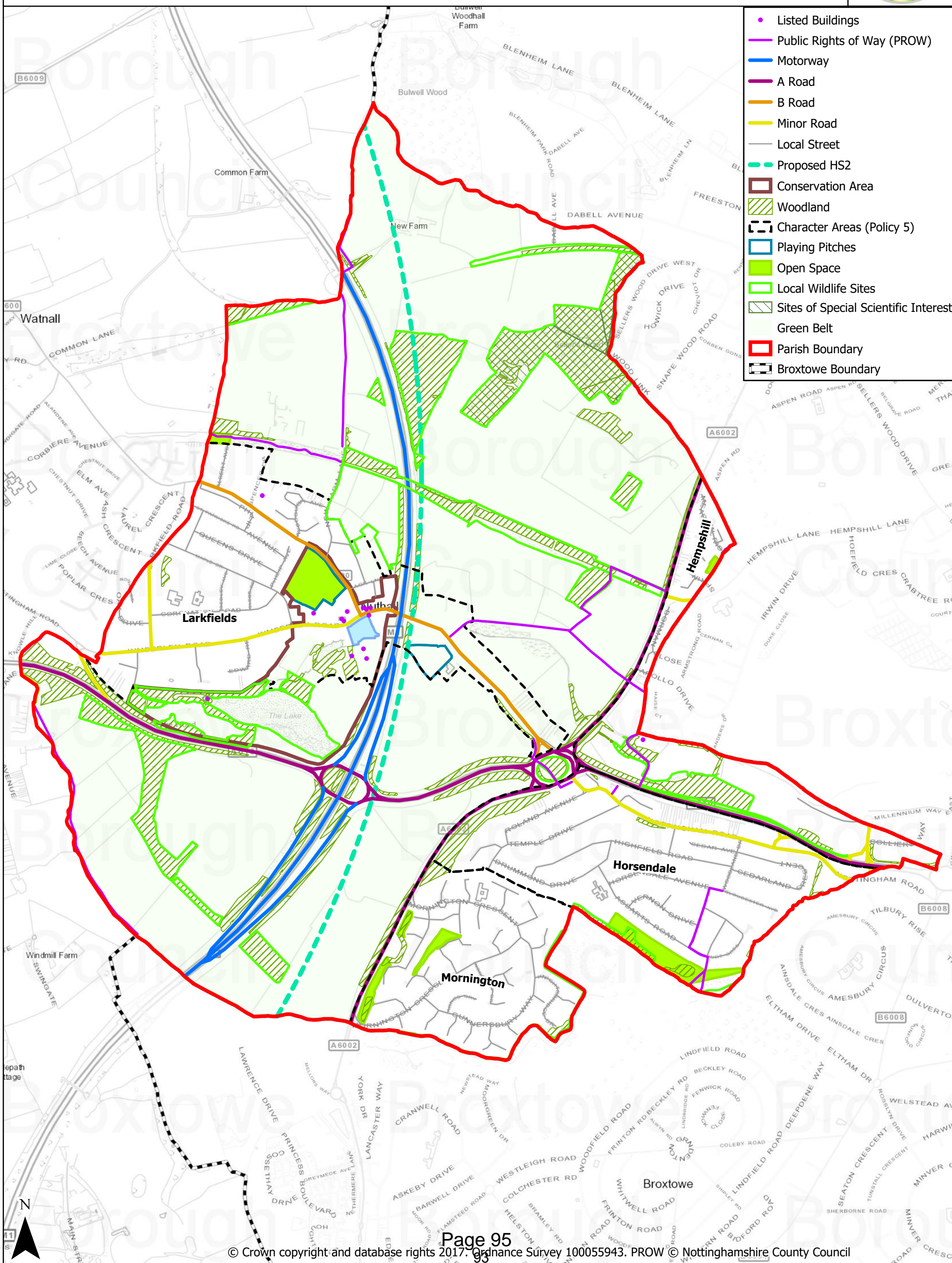
The Policies Map is a snapshot in time and the data on the Policies Map has been interpreted at a scale of 1:10,000.

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Nuthall Neighbourhood Plan

Policies Map



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Nuthall Neighbourhood Plan Decision Statement

1. Summary

- 1.1 The draft Nuthall Neighbourhood Plan has been examined by an Independent Examiner, who issued her report on 2 October 2018. The Examiner has recommended a number of modifications to the Plan and that, subject to these modifications being accepted, it should proceed to referendum. Broxtowe Borough Council has considered and decided to accept all the Examiner's recommended modifications and, therefore, agrees to the Nuthall Neighbourhood Plan proceeding to a referendum within the Parish of Nuthall.

2. Background

- 2.1 In June 2014, Nuthall Parish Council, as the qualifying body, successfully applied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General Regulations 2012 (as amended)). The Parish of Nuthall was designated as a Neighbourhood Area on 17 September 2014 following a 6 week consultation.
- 2.2 Nuthall Parish Council undertook the pre-submission consultation of its Neighbourhood Plan between 3 December 2016 and 31 January 2017, in accordance with Regulation 14. This included notification to the Schedule 1 Consultation Bodies. An amended submission draft Neighbourhood Plan was then submitted by the Parish Council to the Borough Council on 17 January 2018 in accordance with the Neighbourhood Planning (General) regulations 2012 (as amended). The Submission Plan was subsequently publicised by the Borough Council and representations were invited from the public and other stakeholders. The period for representations to be made closed on 20 April 2018.
- 2.3 The Borough Council appointed an independent Examiner; Jill Kingaby BSc (Econ) MSc MRTPI, to examine the Plan and to consider whether it meets the 'Basic Conditions' and other legal requirements, and whether it should proceed to referendum. On 31 July 2018, the Neighbourhood Plan was submitted for independent Examination
- 2.4 The Examiner has now completed her examination of the plan and her report was published on 2 October 2018. She has concluded that, subject to the implementation of the policy modifications set out in her report, the Plan meets the prescribed Basic Conditions and other statutory requirements and that it should proceed to referendum.
- 2.5 Having considered all of the Examiner's recommendations and the reasons for them, the Borough Council has decided to make the modifications to the draft Plan, as set out at Appendix A, in order to

ensure that the Plan meets the Basic Conditions and other legal requirements.

3. Decisions and Reasons

- 3.1 The Examiner has concluded that, with the inclusion of the modifications that she recommends, the Plan will meet the Basic Conditions and other relevant legal requirements. The Borough Council concurs with this view and has made the modifications proposed by the Examiner, in order to ensure that the Plan meets the Basic Conditions and for the purpose of correcting errors in the text, as set out in Appendix A. Deleted Text is shown as struck through and additional text is shown as underlined text, unless otherwise indicated.
- 3.2 As the Plan with these modifications as set out at Appendix A meets the Basic Conditions, in accordance with the requirements of the Localism Act 2011, a referendum will now be held which will ask the question: *'Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Nuthall to help it decide planning applications in the neighbourhood area?.'*
- 3.3 The Borough Council has considered whether to extend the area in which the referendum is to take place, but agrees with the Examiner that there is no need to extend this area beyond the Neighbourhood Plan area (the Parish of Nuthall). The referendum will be held in the Parish of Nuthall on Thursday 13 December 2018.

Date (TBC)

Appendix A

Proposed modification number (PM)	Page no./ other reference	Modification
PM 1	Page 5	<p>Vision and Objectives</p> <p>Move the contents of this page to the end of page 18, so that it follows the section Nuthall Present/ Future Challenges.</p> <p>Objective 2. Add a new sentence to the end of this objective: <i>New development should protect and enhance the local environment, green and open spaces, trees and ancient woodland.</i></p> <p>Key residents concerns ... in any proposals. <i>In order to address residents' key concerns, and contribute to the achievement of sustainable development, any proposals for future housing development must take into consideration their likely impact on traffic levels and transport infrastructure in the Parish, on the health and wellbeing of the local community, and on the quality of the countryside. The Neighbourhood Plan supports sustainable economic growth and prosperity in the Parish to meet the needs of local businesses.</i> Broxtowe Borough Council and its Planning Department...</p>
PM 2	Page 7	<p>The Church would have been as regarded as ...</p> <p>Second paragraph: (including Nuthall Lodge, <i>and</i> Nuthall House, Hempshill Hall) ...</p>
PM 3	Page 13	<p>Add a new end paragraph as follows:</p> <p><i>Maps 4 and 5 show the designated Nuthall Conservation Area and listed buildings, and the non-designated but</i></p>

		local interest buildings. Broxtowe Borough Council provides data on local interest buildings, which are maintained and updated by Nottinghamshire County Council, and published on the Heritage Gateway.
PM 4	Pages 15 and 16	<p>Last paragraph on Page 15:</p> <p>The main road, Nottingham Road, links (as shown on Map 7) and contributing to severance of the local communities in East and West Nuthall. The large volumes of traffic on the M1 and A roads through Nuthall are a source of noise and air pollution, with Nottingham Road/ Back Lane designated as an Air Quality Management Area. If the HS2 proceeds ...</p> <p>The working population sits comfortablyVery close by, 2 Business Parks on the eastern borders of the Parish but within the City of Nottingham including Phoenix Park provide sizeable job opportunities. There is no other industry in Nuthall, ...</p> <p>The travel to work ratio therefore is relatively high, meaning that a high proportion of local people travel out of the Parish to work on a daily basis and a small proportion of people from elsewhere go to work in Nuthall. and in combination with Nuthall's role as a through route to all destinations, there is this gives rise to a major peak-time traffic problem.</p>
PM 5	Page 17	<p>Map 7: Transport connections within the Parish</p> <p>Modify the Map so that all roads, currently shown as Primary road or A road, have the same classification and colour.</p>
PM 6	Page 18	<p>Modify the fourth paragraph as follows:</p> <p>No sites are allocated for new housing</p>

		<p>development in the Nuthall Parish, but a housing commitment on land adjacent to Hemshill Hall is expected to provide 116 new homes. There are no brownfield sites in the Nuthall Parish itself available for major development, but the old...</p>
PM 7	Page 19	<p>Policy 1: New Housing</p> <p>New housing including changes of use to housing within</p> <p>i. The necessary infrastructure and/or measures to deliver more sustainable transport usage is provided ...</p> <p>ii. There are no adverse environmental issues effects or other land-use designations conflicts with planning policy which indicate</p> <p>iii. The development ...</p> <p>iv. The development ...</p> <p>v. For development of 5 or more homes, a minimum of the houses the units should be designed to cater for the needs of elderly residents or those with limited mobility, subject to viability and the requirements to provide affordable housing.</p> <p>vi. The loss ...</p> <p>There is a need.... within the Parish. There are not the same issues in relation to a lack of affordable housing ...elsewhere in Nottinghamshire. The adopted Part 1 Local Plan (policy 8.5) sets a target for new affordable housing provision in Broxtowe of 30%. Nuthall is included in the Kimberley housing sub-market within Broxtowe, where the emerging Part 2 Local Plan seeks 20% or more affordable housing on sites of more than 10 units (Policy 15). Housing development proposals which are unable to satisfy the criteria in this</p>

		<p>policy, as well as deliver some affordable housing, should provide a viability assessment to demonstrate why such a scheme would not be deliverable.</p> <p>Nuthall includes a housing commitment for 116 new dwellings to be provided on land adjacent to Hempshill Hall. Broxtowe's Strategic Housing Land Availability Assessment (SHLAA) indicates that There is a good supply ...</p> <p>Major development proposals (for 10 or more dwellings) should be accompanied by a Transport Statement or Transport Assessment which demonstrates (possibly through a Travel Plan) how future residents will be encouraged to use sustainable transport modes, notably public transport, cycling and walking, and/or electric powered vehicles.</p> <p>Regarding environmental effects, much of the land in Nuthall lies in the Green Belt. Protected wildlife sites, the Conservation Area and listed buildings are among the other special features which should not be harmed by the provision of new housing.</p>
PM 8	Page 20	<p>Policy 2: Nuthall Village Centre:</p> <p>Modify criterion to read:</p> <p>i. The development is of a scale should not exceed 250 280 square metres.</p> <p>iv. Where physical alterations ... in a positive way to (ie. preserve or enhance) the character....</p>
PM 9	Page 22	<p>Policy 4: New and Enhanced Green Infrastructure Network Open Spaces</p> <p>Subject to...</p>

		<p>ii. Provision of new open spaces, recreational areas, routes to connect green infrastructure appropriate for cyclists areas of population with <i>in</i> the Parish.</p> <p>iii. The conservation of ancient woodland, mature trees and hedgerows, the creation of new woodland areas, and the planting of new trees.</p> <p>iv. The creation of new wetlands, ponds, wildflower meadows, green lanes and field margins, and the enhancement of existing ones, and</p> <p>v. The provision of features to provide net gains for wildlife such as bat/bird boxes, urban drainage ponds and swales and native species planting.</p> <p><i>New allotments should be sited on land appropriate for plant-growing, within easy walking distance of residential areas.</i></p> <p><i>Nuthall includes the Sellers Wood Site of Special Scientific Interest and other local wildlife sites, as shown on Map 9, along with the Basil Russell Playing Fields and other areas of open space and woodland. It is important for the future health and wellbeing of local people, as well as for the natural environment, that green infrastructure is appropriately conserved and enhanced.</i></p> <p>It is particularly important for cycling and walking.</p> <p><i>In the longer term, possible funding should be sought to mitigate and compensate for damage to and loss of wildlife habitats from development of</i></p>
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		<i>the HS2 railway.</i>
PM 10	Page 23	<p>Map 9: Existing <i>Green Infrastructure Network</i> playing pitches, open spaces, and woodland <i>in the Parish</i></p> <p>Show Sellers Wood (SSSI) and other local wildlife sites.</p> <p>Show existing public rights of way available to pedestrians and cyclists across the countryside in the Parish.</p>
PM 11	Page 24	<p>Policy 5: Design and the Historic Environment</p> <p>Add criterion iii:</p> <p><i>Design of all new development and its construction should minimise the creation of waste, using recycled materials wherever possible. At the construction stage and when in operation, new development should provide for the disposal of waste in a sustainable fashion.</i></p> <p>Add the following supporting text immediately after Policy 5:</p> <p><i>Developers should ensure that their proposals meet the requirements of Policy 10: Design and Enhancing Local Identity of the adopted Part 1 Local Plan for Broxtowe, and subsequent policy to promote good design in the Part 2 Local Plan.</i></p>
PM 12	Page 27	<p>Local Aspirations</p> <p>Below the four criteria and existing supporting text, add the following:</p> <p><i>Initiatives to promote greater use of public transport, cycling and walking, and traffic management measures across the wider area, provide a starting-point for the development of a strategy to ease congestion around J26.</i></p>

		<p><i>The aspiration for a Country Park reflects the aim to protect and enhance the local landscape character of Nuthall with its green and open spaces, ancient woodland, mature trees and wildlife habitats, so that they can be appreciated by local residents and visitors to Nuthall.</i></p>
PM 13	Pages 29-31	<p>Appendix 1: Supporting Background Evidence</p> <p>Paragraph below the graph: Dwelling type breakdowns</p> <p>At the time of writing, <i>the Kimberley housing sub-market which includes Nuthall is expected to provide up to 600 new homes by 2028. This target was set in the adopted Part 1 Local Plan for Broxtowe (the Aligned Core Strategy)</i>; some 451 have been approved Kimberley Brewery. Further agreement is <i>permissions are</i> expected to be granted to the balance of requirements <i>to provide up to 600 units</i> on an infill basis</p> <p>SHLAA Insert the following before the existing 2 sentences:</p> <p><i>The Strategic Housing Land Availability Assessment (SHLAA) is a catalogue of sites within the borough (gathered through a number of sources) which are assessed on their ability to accommodate housing and the timescale at which housing delivery may be achieved.</i></p> <p><i>The SHLAA is a key piece of evidence used by the Borough Council to inform the choices of sites to consider for allocation. The assessment of each site is made irrespective of the level of housing provision that is needed (i.e. there are more sites in the SHLAA than needed to meet the housing requirement). Therefore, the inclusion of any site in the SHLAA does not</i></p>

		<p><i>guarantee that either planning permission will be granted or that the site will be allocated for residential development.</i></p> <p><u>Public Transport</u></p> <p>For public transportCounty and national averages. Nuthall is well served by frequent of the Parish. <i>Buses operate every 10 minutes between Nottingham and Eastwood with extensions to Heanor, Ripley or Alfreton every 20 minutes. Hourly bus services between Derby and Hucknall run through Nuthall, and trams operate every 7 minutes into the city from Phoenix Park on the eastern edge of Nuthall.</i> There is a Tram terminus ... coal mine to Nuthall.</p> <p>However, the public transport to a hospital.....</p> <p><u>Recreational Facilities</u></p> <p>Last paragraph:</p> <p>CO2 emissions, recycling rates deprived area'. <i>This is due to sub-standard air quality and the lack of green landscape in particular around junction 26 of the M1 motorway. The main cause of substandard air quality is emissions from cars.</i></p>
PM 14	Pages 9, 14, 23 & 26	Add Borough boundary to the legend of Maps 3,6,9 & 10.

Report of the Interim Deputy Chief Executive

LIBERTY LEISURE

1. Purpose of the report

To receive two recommendations from the Board of Liberty Leisure in relation to the amendment of the Articles of Association and the appointment of a further Director, following a Board meeting held on 22 August 2018.

2. Additional Director

Any new Director of Liberty Leisure should meet at least three of the following criteria:

- Experience of being a Board Director/Trustee/Governor
- Experience of working with private enterprise
- An understanding of the leisure industry
- Knowledge of how a local authority operates
- Senior management experience, preferably with large teams.

The Board considered Ms Stone's CV (included at item 19 on the agenda under the excluded items) which informed of extensive development and the enabling of physical activity and sport for 18 years. Throughout this time, Ms Stone developed and maintained many key relationships and continued to do this daily, securing a commitment to physical activity and sport from these organisations and individuals. More recently, through a role with Active Partners Trust Ms Stone had begun work in Nottinghamshire with a specific focus on the borough of Broxtowe. The full version of Ms Stone's CV is attached within the private part of the agenda.

3. Amendments to Articles of Association

Council has previously considered a number of amendments to the Articles (which are included in the appendix) in order to enable the smooth running of Liberty Leisure without diminishing the Board's accountability to Full Council. These further proposed amendments would allow for the Company to mitigate the decision making process for appointments to and from the Board and amend the frequency for meetings.

- Exclusion of 17b from the model articles (Appointment of Director by Board of Directors)
- Add a provision for the termination of a Director by the Member (18 of Model Articles)
- Change the minimum frequency of board meeting under point 7.2 to four per calendar year (7.2 LLL Articles)
- Remove point 10.3.1 (LLL Articles) referring to the Directors appointing a further director.

Recommendation

Council is asked to RESOLVE that:

1. **The Articles of Association be amended as detailed in the report.**
2. **Andrea Stone be appointed as a Director to the Board of Liberty Leisure Limited.**

Background papers: Nil

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THE COMPANIES ACT 2006
PRIVATE COMPANY LIMITED BY GUARANTEE
ARTICLES OF ASSOCIATION
OF
LIBERTY LEISURE LIMITED (the "Company")

Introduction

1 Interpretation

1.1 In these Articles, unless the context otherwise requires:

Act: means the Companies Act 2006;

Appointor: has the meaning given in article 15(1);

Articles: means the Company's articles of association for the time being in force;

Business Day: means any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;

Conflict: means a situation in which a director has or can have, a direct or indirect interest that conflicts or possibly may conflict, with the interests of the Company;

Eligible Director: means a director who would be entitled to vote on the matter at a meeting of directors (but excluding in relation to the authorisation of a Conflict pursuant to Article 12, any director whose vote is not to be counted in respect of the particular matter);

Member: means a member of the Company;

Model Articles: means the model articles for private companies limited by guarantee contained in Schedule 2 of the Companies (Model Articles) Regulations 2008 (*SI 2008/3229*) as amended prior to the date of adoption of these Articles and reference to a numbered "**Model Article**" is a reference to that article of the Model Articles;

References to 'relevant loss' shall have the meaning given in Article 26.4.2; and

References to 'relevant officer' shall have the meaning given in Article 26.4.3.

- 1.2 Save as otherwise specifically provided in these Articles, words and expressions which have particular meanings in the Model Articles shall have the same meanings in these Articles, subject to which and unless the context otherwise requires, words and expressions which have particular meanings in the Act shall have the same meanings in these Articles.
- 1.3 Headings in these Articles are used for convenience only and shall not affect the construction or interpretation of these Articles.
- 1.4 A reference in these Articles to an "**article**" is a reference to the relevant article of these Articles unless expressly provided otherwise.
- 1.5 Unless expressly provided otherwise, a reference to a statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time, taking account of:
 - 1.5.1 any subordinate legislation from time to time made under it; and
 - 1.5.2 any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts.
- 1.6 Any phrase introduced by the terms "**including**", "**include**", "**in particular**" or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.7 The Model Articles shall apply to the Company, except in so far as they are modified or excluded by these Articles.
- 1.8 Model Articles 2, 7(2), 8, 9(1), 11(2) and (3), 13, 14(1), (2), (3) and (4), 30(2), 35, 38 and 39 shall not apply to the Company.
- 1.9 Model Article 20 shall be amended by the insertion of the words "(including alternate directors) and the secretary" before the words "properly incur".
- 1.10 Model Article 21 sub paragraph (b) shall be amended by:
 - 1.10.1 The deletion of "the directors" and replace that with "the Members"

2 Objects

- 2.1 The objects for which the Company is established are:
 - 2.1.1 to provide leisure, sports, cultural and heritage services for the benefit of the public

- 2.1.2 liaise, cooperate and partner, wherever appropriate, with all statutory, voluntary and other bodies in the pursuance of these services
- 2.1.3 to enter into partnerships or arrangements of all kinds to sustain, improve or extend facilities and services.
- 2.1.4 to ensure sustainability of services by maximising income and by seeking all possible avenues of funding for the services.
- 2.1.5 Promoting, maintain and improving access to suitable services, activities and facilities
- 2.1.6 Brining together and coordinating the efforts of persons (corporate or otherwise) concerned or interested in the attainment of all or any of the company's objects
- 2.1.7 to improve health and well-being, by promoting increased participation to reduce obesity, anti-social behaviour and the health inequality gap
- 2.1.8 to promote jobs and strengthen the local economy,

3 Powers

- 3.1 In pursuance of the object set out in article 2, the Company has the power to:
 - 3.1.1 buy, lease or otherwise acquire and deal with any property real or personal and any rights or privileges of any kind over or in respect of any property real or personal and to improve, manage, develop, construct, repair, sell, lease, mortgage, charge, surrender or dispose of or otherwise deal with all or any part of such property and any and all rights of the Company;
 - 3.1.2 borrow and raise money in such manner as the directors shall think fit and secure the repayment of any money borrowed, raised or owing by mortgage, charge, lien or other security on the Company's property and assets;
 - 3.1.3 invest and deal with the funds of the Company not immediately required for its operations in or upon such investments, securities or property as may be thought fit;
 - 3.1.4 subscribe for, take, buy or otherwise acquire, hold, sell, deal with and dispose of, place and underwrite shares, stocks, debentures, debenture stocks, bonds, obligations or securities issued or guaranteed by any government or authority in any part of the world;
 - 3.1.5 lend and advance money or give credit on such terms as may seem expedient and with or without security to customers and others, to enter into guarantees, contracts of indemnity

and suretyships of all kinds to receive money on deposit or loan upon such terms as the Company may approve and to secure or guarantee the payment of any sums of money or the performance of any obligation by any company, firm or person including any holding company or subsidiary;

- 3.1.6 lobby, advertise, publish, educate, examine, research and survey in respect of all matters of law, regulation, economics, accounting, governance, politics and/or other issues and to hold meetings, events and other procedures and co-operate with or assist any other body or organisation in each case in such way or by such means as may, in the opinion of the directors, affect or advance the principal object in any way;
- 3.1.7 pay all or any expenses incurred in connection with the promotion, formation and incorporation of the Company and to contract with any person, firm or company to pay the same;
- 3.1.8 enter into contracts to provide services to or on behalf of other bodies;
- 3.1.9 provide and assist in the provision of money, materials or other help;.
- 3.1.10 open and operate bank accounts and other facilities for banking and draw, accept, endorse, issue or execute promissory notes, bills of exchange, cheques and other instruments;
- 3.1.11 incorporate subsidiary companies to carry on any trade; and
- 3.1.12 do all such other lawful things as are incidental or conducive to the pursuit or to the attainment of any of the object set out in article 2.
- 3.1.13 Apply for receive and accept from any source gifts and grants or service or money of any kind of property and all other kinds of financial assistance whether unconditionally or subject to conditions
- 3.1.14 To invest the monies of the company not immediately required for its purposes in or upon such investments, securities or properties as may be thought fit, subject nevertheless to such conditions if any such consents if any as may for the time be imposed or required by law
- 3.1.15 To insure and arrange insurance cover for and to indemnify its officers, staff, voluntary workers and Member from and against all such risks incurred in the course of their duties as may be thought fit and, so far as the law may allow from time to time, to take and maintain a policy or policies of insurance in favour of one or more of the Directors in respect

of their liability or negligence or breach of duty provided that in respect of Directors such insurance and indemnity shall not extend to any claim arising from any act or omission which the Directors knew to be a breach of trust or duty or which was committed by the Directors in reckless disregard of whether or not it was a breach of trust or duty.

4 Income and distributions

- 4.1 The income and property of the Company shall be applied solely in promoting the object of the Company as set out in article 2.
- 4.2 No dividends or bonus may be paid or capital otherwise returned to the Members, provided that nothing in these Articles shall prevent any payment in good faith by the Company of:
 - 4.2.1 reasonable and proper remuneration to any Member, officer or servant of the Company for any services rendered to the Company;
 - 4.2.2 any interest on money lent by any Member or director at a reasonable and proper rate;
 - 4.2.3 reasonable and proper rent for premises demised or let by any Member or director; or
 - 4.2.4 reasonable out-of-pocket expenses properly incurred by any director.

5 Winding up

On the winding-up or dissolution of the Company, any assets or property that remains available to be distributed or paid, shall not be paid or distributed to the Members but shall be transferred to another body (charitable or otherwise) with objects similar to those of the Company, such body to be determined by the Members at the time of winding up or dissolution.

6 Guarantee

- 6.1 The liability of each Member is limited to £1, being the amount that each Member undertakes to contribute to the assets of the Company in the event of its being wound up while it is a Member or within one year after it ceases to be a Member, for
 - 6.1.1 payment of the Company's debts and liabilities contracted before it ceases to be a Member,
 - 6.1.2 payment of the costs, charges and expenses of the winding up, and
 - 6.1.3 adjustment of the rights of the contributories among themselves.

Directors

7 Directors' general authority

7.1 The matters listed below shall not be carried out without the prior written consent of all the Members at the relevant time and each of the Members shall use their respective rights and powers to procure, so far as they are each able, that no such matter is carried out unless the required consent has been given:

- 7.1.1 The making of any political or charitable donation;
- 7.1.2 A change in the status of the Company from a limited company to a public limited company or from a company limited by guarantee to any other form of legal entity;
- 7.1.3 Issuing any loan capital in the Company or entering into any commitment with any person with respect to the issue of any loan capital;
- 7.1.4 Making any borrowing or incurring any indebtedness;
- 7.1.5 Altering the name of the Company or its registered office;
- 7.1.6 Changing the nature of the Company's business or commencing any new business by the Company which is not ancillary or incidental to its current business;
- 7.1.7 Forming any subsidiary or acquiring shares in any other company or participating in any partnership or joint venture (incorporated or not);
- 7.1.8 Amalgamating or merging with any other company or business undertaking;
- 7.1.9 Any acquisition or disposal by the Company of any material asset(s) otherwise than in the ordinary course of business;
- 7.1.10 Creating or granting any encumbrance over the whole or any part of the business, undertaking or assets of the Company or agreeing to do so other than liens arising in the ordinary course of business;
- 7.1.11 Making any loan or granting any credit or giving any guarantee (other than in the normal course of trading) or indemnity;
- 7.1.12 Appointing any agent or other intermediary to conduct any of the Company's Business;
- 7.1.13 Entering into any arrangement, contract or transaction outside the normal course of its business or otherwise than on arm's length terms;
- 7.1.14 Changing the auditors of the Company or its financial year end;

- 7.1.15 Declaring or paying any distribution in accordance with article 110 to 119;
 - 7.1.16 Employing any person and setting or amending the terms applicable to any employee or dismissing any employee; or
 - 7.1.17 Instituting, settling or compromising any legal proceedings (other than debt recovery proceedings in the ordinary course of business) instituted or threatened against the Company or submitting to arbitration or alternative dispute resolution any dispute involving the Company.
- 7.2 The Board of Directors shall meet at regular intervals at such times as they see fit provided that the Directors shall convene a meeting of the Board of Directors at least once every three calendar months.
 - 7.3 The Board of Directors shall ensure that a record is kept of all decisions made by it and shall, as soon as reasonably practicable following any meeting of the Board of Directors, or any other resolutions of the Board of Directors, notify the Members in writing of such decisions.
 - 7.4 Upon receipt of notification of any decision of the Board of Directors, Members together representing 50 % or more of the total number of Members shall be entitled to serve notice in Writing, require the Directors to call a general meeting to discuss any such decision. If at such meeting at least 50 % of the Members present direct the Company to take or refrain from taking any specified action in relation to any such decision then the Directors shall take all reasonable steps to implement such direction (provided that no such direction invalidates anything which the directors have done before the passing of the resolution).
 - 7.5 Any or all powers of the directors (or any of them) shall be restricted in such respects, to such extent and for such duration as the Members may from time to time by notice in writing to the Company prescribe.

8 Unanimous decisions

- 8.1 A decision of the directors is taken in accordance with this article when all Eligible Directors indicate to each other by any means that they share a common view on a matter.
- 8.2 Such a decision may take the form of a resolution in writing, where each Eligible Director has signed one or more copies of it, or to which each Eligible Director has otherwise indicated agreement in writing.
- 8.3 A decision may not be taken in accordance with this article if the Eligible Directors would not have formed a quorum at such a meeting.

9 Calling a directors' meeting

- 9.1 Any director may call a directors' meeting by giving not less than 5 Business Days' notice of the meeting (or such lesser notice as all the directors may agree) to the directors or by authorising the company secretary (if any) to give such notice.

- 9.2 Notice of a directors' meeting shall be given to each director in writing.
- 9.3 A director who is absent from the UK and who has no registered address in the UK shall not be entitled to notice of the directors' meeting.
- 9.4 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings of that meeting.

10 Quorum for directors' meetings

- 10.1 Subject to article 10.2, the quorum for the transaction of business at a meeting of directors is any two Eligible Directors.
- 10.2 For the purposes of any meeting (or part of a meeting) held pursuant to article 12 to authorise a Conflict, if there is only one Eligible Director in office other than the Interested Director(s) (defined in article 12.1), the quorum for such meeting (or part of a meeting) shall be one Eligible Director.
- 10.3 If the total number of directors in office for the time being is less than the quorum required, the directors must not take any decision other than a decision:
 - 10.3.1 to appoint further directors; or
 - 10.3.2 to call a general meeting so as to enable the Members to appoint further directors.

11 Casting vote

- 11.1 If the numbers of votes for and against a proposal at a meeting of directors are equal, the chairman or other director chairing the meeting shall have a casting vote.
- 11.2 Article 11.1 shall not apply in respect of a particular meeting (or part of a meeting) if, in accordance with the Articles, the chairman or other director is not an Eligible Director for the purposes of that meeting (or part of a meeting).
- 11.3 Every director shall have one vote (whether on a show of hands or on a poll) to be cast by the Director either personally or by proxy.

12 Directors' conflicts of interest

- 12.1 For the purposes of section 175 of the Act, the Members (and not the directors) shall have the power to authorise, by resolution and in accordance with the provisions of these Articles, any Conflict proposed to them by any director which would, if not so authorised, involve a director (the **Interested Director**) breaching his duty under section 175 of the Act to avoid conflicts of interest.
- 12.2 The Interested Director must provide the Members with such details as are necessary for the Members to decide whether or not to authorise the

Conflict, together with such additional information as may be requested by the Members.

12.3 Any authorisation by the Members of a Conflict under this article may (whether at the time of giving the authorisation or subsequently):

12.3.1 extend to any actual or potential conflict of interest which may reasonably be expected to arise out of the matter or situation so authorised;

12.3.2 provide that the Interested Director be excluded from the receipt of documents and information and the participation in discussions (whether at meetings of the directors or otherwise) related to the Conflict;

12.3.3 provide that the Interested Director will or will not be an Eligible Director in respect of any future decision of the directors in relation to any resolution related to the Conflict;

12.3.4 impose upon the Interested Director such other terms for the purposes of dealing with the Conflict as the Members think fit;

12.3.5 provide that, where the Interested Director obtains, or has obtained (through his involvement in the Conflict and otherwise than through his position as a director of the Company) information that is confidential to a third party, he will not be obliged to disclose that information to the Company, or to use it in relation to the Company's affairs where to do so would amount to a breach of that confidence; and

12.3.6 permit the Interested Director to absent himself from the discussion of matters relating to the Conflict at any meeting of the directors and be excused from reviewing papers prepared by, or for, the directors to the extent they relate to such matters.

12.4 Where the Members authorise a Conflict:

12.4.1 the Interested Director will be obliged to conduct himself in accordance with any terms and conditions imposed by the Members in relation to the Conflict; and

12.4.2 the Interested Director will not infringe any duty he owes to the Company by virtue of sections 171 to 177 of the Act, provided he acts in accordance with such terms and conditions (if any) as the Members impose in respect of their authorisation.

12.5 The Members may revoke or vary such authorisation at any time but this will not affect anything done by the Interested Director prior to such revocation or variation in accordance with the terms of such authorisation.

12.6 A director is not required, by reason of being a director (or because of the fiduciary relationship established by reason of being a director), to account to the Company for any remuneration, profit or other benefit which he derives from or in connection with a relationship involving a Conflict which

has been authorised by the Members in accordance with these Articles (subject in each case to any terms, limits or conditions attaching to that authorisation) and no contract shall be liable to be avoided on such grounds.

- 12.7 Subject to sections 177(5) and 177(6) of the Act, a director who is in any way, whether directly or indirectly, interested in a proposed transaction or arrangement with the Company shall declare the nature and extent of his interest to the other directors before the Company enters into the transaction or arrangement in accordance with the Act.
- 12.8 Subject to sections 182(5) and 182(6) of the Act, a director who is in any way, whether directly or indirectly, interested in a transaction or arrangement that has been entered into by the Company shall declare the nature and extent of his interest to the other directors as soon as is reasonably practicable in accordance with the Act, unless the interest has already been declared under article 12.7.
- 12.9 Subject, where applicable, to any terms, limits or conditions imposed by the Members in accordance with article 12.3, and provided a director has declared the nature and extent of his interest in accordance with the requirements of the Act, a director who is in any way, whether directly or indirectly, interested in an existing or proposed transaction or arrangement with the Company:
- 12.9.1 may be a party to, or otherwise interested in, any such transaction or arrangement with the Company, or in which the Company is otherwise (directly or indirectly) interested;
 - 12.9.2 shall be an Eligible Director for the purposes of any proposed decision of the directors in respect of such transaction or arrangement or proposed transaction or arrangement in which he is interested;
 - 12.9.3 shall be entitled to vote at a meeting of directors or participate in any unanimous decision in respect of such transaction or arrangement or proposed transaction or arrangement in which he is interested;
 - 12.9.4 may act by himself or his firm in a professional capacity for the Company (otherwise than as auditor) and he or his firm shall be entitled to remuneration for professional services as if he were not a director;
 - 12.9.5 may be a director or other officer of, or employed by, or a party to a transaction or arrangement with, or otherwise interested in, any body corporate in which the Company is otherwise (directly or indirectly) interested; and
 - 12.9.6 shall not, save as he may otherwise agree, be accountable to the Company for any benefit which he (or a person connected with him (as defined in section 252 of the Act)) derives from any such contract, transaction or arrangement or from any such office or employment or from any interest in any such body corporate and

no such contract, transaction or arrangement shall be liable to be avoided on the grounds of any such interest or benefit nor shall the receipt of any such remuneration or other benefit constitute a breach of his duty under section 176 of the Act.

13 Records of decisions to be kept

Where decisions of the directors are taken by electronic means, such decisions shall be recorded by the directors in permanent form, so that they may be read with the naked eye.

14 Number of directors

Unless otherwise determined by ordinary resolution, the number of directors (other than alternate directors) shall not be subject to any maximum but shall not be less than two.

15 Appointment and removal of alternate directors

15.1 Any director (other than an alternate director) (**Appointor**) may appoint as an alternate any other director, or any other person approved by ordinary resolution of the Members, to:

15.1.1 exercise that director's powers; and

15.1.2 carry out that director's responsibilities,

in relation to the taking of decisions by the directors, in the absence of the alternate's Appointor.

15.2 Any appointment or removal of an alternate director must be effected by notice in writing to the Company signed by the Appointor, or in any other manner approved by the directors.

15.3 The notice must:

15.3.1 identify the proposed alternate; and

15.3.2 in the case of a notice of appointment, contain a statement signed by the proposed alternate that he is willing to act as the alternate of the director giving the notice.

16 Rights and responsibilities of alternate directors

16.1 An alternate director may act as alternate director to more than one director and has the same rights in relation to any decision of the directors as the alternate's Appointor.

16.2 Except as the Articles specify otherwise, alternate directors:

16.2.1 are deemed for all purposes to be directors;

16.2.2 are liable for their own acts and omissions;

16.2.3 are subject to the same restrictions as their Appointors; and

16.2.4 are not deemed to be agents of or for their Appointors

and, in particular (without limitation), each alternate director shall be entitled to receive notice of all meetings of directors and of all meetings of committees of directors of which his Appointor is a member.

16.3 A person who is an alternate director but not a director:

16.3.1 may be counted as participating for the purposes of determining whether a quorum is present (but only if that person's Appointor is not participating);

16.3.2 may participate in a unanimous decision of the directors (but only if his Appointor is an Eligible Director in relation to that decision, but does not participate); and

16.3.3 shall not be counted as more than one director for the purposes of articles 16.3(a) and (b).

16.4 A director who is also an alternate director is entitled, in the absence of his Appointor(s), to a separate vote on behalf of each Appointor, in addition to his own vote on any decision of the directors (provided that an Appointor for whom he exercises a separate vote is an Eligible Director in relation to that decision), but shall not count as more than one director for the purposes of determining whether a quorum is present.

16.5 An alternate director may be paid expenses and may be indemnified by the Company to the same extent as if he were a director but shall not be entitled to receive any remuneration from the Company for serving as an alternate director except such part (if any) of the remuneration otherwise payable to the alternate's Appointor as the Appointor may by notice in writing to the Company from time to time direct.

17 Termination of alternate directorship

17.1 An alternate director's appointment as an alternate (in respect of a particular Appointor) terminates:

17.1.1 when the alternate's Appointor revokes the appointment by notice to the Company in writing specifying when it is to terminate;

17.1.2 on the occurrence, in relation to the alternate, of any event which, if it occurred in relation to the alternate's Appointor, would result in the termination of the Appointor's appointment as a director;

17.1.3 on the death of the alternate's Appointor; or

17.1.4 when the alternate director's Appointor ceases to be a director for whatever reason.

18 Secretary

The directors may appoint any person who is willing to act as the secretary for such term, at such remuneration and upon such conditions as they may think fit and from time to time remove such person and, if the directors so decide, appoint a replacement, in each case by a decision of the directors.

19 Change of company name

The name of the Company may only be changed by a special resolution of the Members.

20 Expulsion of member

20.1 The directors may terminate the membership of any member without its consent by giving written notice if, in the reasonable opinion of the directors, it (or any person or body engaged or appointed by it):

20.1.1 is guilty of conduct which has or is likely to have a serious adverse effect on the Company or bring the Company or any or all of the Members and directors into disrepute; or

20.1.2 has acted or has threatened to act in a manner which is contrary to the interests of the Company as a whole; or

20.1.3 has failed to observe the terms of these Articles.

Following such termination, the Member shall be removed from the Register of Members.

20.2 The notice to the Member must give the Member the opportunity to be heard in writing or in person as to why his membership should not be terminated. The directors must consider any representations made by the Member and inform the Member of their decision following such consideration. There shall be no right to appeal from a decision of the directors to terminate the membership of a Member.

Decision making by members

21 Votes of members

Subject to the Act, at any general meeting every Member who is present in person (or by proxy) shall on a show of hands have one vote and every Member present in person (or by proxy) shall on a poll have one vote.

22 Poll votes

22.1 A poll may be demanded at any general meeting by any qualifying person (as defined in section 318 of the Act) present and entitled to vote at the meeting.

22.2 Article 30(3) of the Model Articles shall be amended by the insertion of the words "A demand so withdrawn shall not invalidate the result of a

show of hands declared before the demand was made" as a new paragraph at the end of that article.

23 Proxies

- 23.1 Article 31(1)(d) of the Model Articles shall be deleted and replaced with the words "is delivered to the company in accordance with the Articles not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the right to vote is to be exercised and in accordance with any instructions contained in the notice of the general meeting (or adjourned meeting) to which they relate".
- 23.2 Article 31(1) of the Model Articles shall be amended by the insertion of the words "and a proxy notice which is not delivered in such manner shall be invalid, unless the directors, in their discretion, accept the notice at any time before the meeting" as a new paragraph at the end of that article.

Administrative arrangements

24 Means of communication to be used

- 24.1 Any notice, document or other information shall be deemed served on or delivered to the intended recipient:
 - 24.1.1 if properly addressed and sent by prepaid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted (or five Business Days after posting either to an address outside the United Kingdom or from outside the United Kingdom to an address within the United Kingdom, if (in each case) sent by reputable international overnight courier addressed to the intended recipient, provided that delivery in at least five Business Days was guaranteed at the time of sending and the sending party receives a confirmation of delivery from the courier service provider);
 - 24.1.2 if properly addressed and delivered by hand, when it was given or left at the appropriate address;
 - 24.1.3 if properly addressed and sent or supplied by electronic means, one hour after the document or information was sent or supplied; and
 - 24.1.4 if sent or supplied by means of a website, when the material is first made available on the website or (if later) when the recipient receives (or is deemed to have received) notice of the fact that the material is available on the website.

For the purposes of this article, no account shall be taken of any part of a day that is not a Business Day.

- 24.2 In proving that any notice, document or other information was properly addressed, it shall suffice to show that the notice, document or other

information was addressed to an address permitted for the purpose by the Act.

25 Rules

The directors may establish rules governing matters relating to Company administration that are required from time to time for the effective operation of the Company. If there is a conflict between the terms of these Articles and any rules established under this Article, the terms of these Articles shall prevail.

26 Indemnity and insurance

26.1 Subject to article 26.2, but without prejudice to any indemnity to which a relevant officer of the Company is otherwise entitled:

26.1.1 each relevant officer shall be indemnified out of the Company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a relevant officer:

- (a) in the actual or purported execution and/or discharge of his duties, or in relation to them; and
- (b) in relation to the Company's (or any associated company's) activities as trustee of an occupational pension scheme (as defined in section 235(6) of the Act),

including (in each case) any liability incurred by him in defending any civil or criminal proceedings, in which judgment is given in his favour or in which he is acquitted or the proceedings are otherwise disposed of without any finding or admission of any material breach of duty on his part or in connection with any application in which the court grants him, in his capacity as a relevant officer, relief from liability for negligence, default, breach of duty or breach of trust in relation to the Company's (or any associated company's) affairs; and

26.1.2 the Company may provide any relevant officer with funds to meet expenditure incurred or to be incurred by him in connection with any proceedings or application referred to in article 26(1)(a) and otherwise may take any action to enable any such relevant officer to avoid incurring such expenditure.

26.2 This article does not authorise any indemnity to the extent that such indemnity would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law and any such indemnity is limited accordingly.

26.3 The directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant officer in respect of any relevant loss.

26.4 In this article:

- 26.4.1 companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and
- 26.4.2 a "**relevant loss**" means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the Company, any associated company or any pension fund or employees' share scheme of the Company or associated company; and
- 26.4.3 a "**relevant officer**" means any director or other officer of the Company, but excluding in each case any person engaged by the Company as auditor (whether or not he is also a director or other officer), to the extent he acts in his capacity as auditor).

Report of the Interim Deputy Chief Executive

BEESTON TOWN HALL

1. Purpose of report

To report back on the outcome of the final round of community bidding and to recommend accordingly.

2. Background

Members may recall the recent Policy and Performance Committee reports regarding the potential future of the Town Hall in Beeston. At its meeting of 4 July 2018 Policy and Performance Committee resolved to:

“Continue to work with both remaining groups which have submitted bids with a view to enabling one or other of them (or through enabling them to work together) to provide an outcome which delivers good value to the Council and good community use of the building.”

3. Key Issues and Updates

- Appendix 1 repeats the legal position regarding land sales by local authorities.
- The Beeston Town Hall Community Project submitted a letter on 22 August stating “our proposal remains as submitted on 15 June”. For completeness the key parts of their bid, along with a further letter are circulated separately with the agenda.
- The Redeemer/Cornerstone Church submitted a revised bid, also on 22 August, increasing both the offer price and community offer. Again, the key parts of their bid are circulated separately with the agenda.
- The view of officers remains that the offer from Redeemer/Cornerstone Church is the better of the two community options on the table. This is illustrated in appendix 2.

4. Financial implications

These were outlined to the 4 July 2018 meeting of Committee, with the exception that the proposed purchase price by the church (subject to planning and subject to contract) has been increased to the lower end of the independent commercial valuations previously provided by Hebs and Innes England and previously reported to members of Policy and Performance Committee.

Recommendation

Council is asked to CONSIDER appendix 2 and to RESOLVE accordingly

Background Papers

Nil

APPENDIX 1

Legal Requirements when selling an asset

(Fuller details were given in the Council's Land Disposals policy approved by this Committee on 21 November 2017)

Section 123 - Local Government Act 1972

In general, the Council is required to achieve the 'best consideration reasonably obtainable' when it is disposing of land and properties.

General Consent

If a Council seeks to dispose of land or buildings at less than the market value, then it has to obtain the consent of the Secretary of State for Communities and Local Government. However, the Secretary of State has issued a number of 'general consents' i.e. a set of conditions which, if they apply to a particular transfer, means that the Council does not need to obtain specific permission to transfer at an 'undervalue'. However, the undervalue itself still needs to comply with 'normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer'.

The most important of these consents is the General Disposal Consent 2003 ('the General Consent' – Circular 06/2003) which permits the Council to dispose of land at less than its market value, without the need to seek specific permission from the Secretary of State, provided that:

- (a) The purpose for which the land is to be transferred is likely to contribute to the **'promotion or improvement' of the economic, social or environmental well-being of the area**; and
- (b) The difference between the market value of the land and the actual price paid for the disposal (if any) is not more than £2,000,000.

Commentary

The Town Hall has been independently valued by two external chartered surveyors and both valued it at significantly less than £2,000,000.

Because there is no prospect of the difference between offer price and market value exceeding £2,000,000 then Secretary of State consent for a sale or disposal at less than market value would *not* be required. This *would* allow the Council to consider a lower offer (or an offer at the bottom end of the estimated market value) *if* it deemed it contributed sufficiently to the promotion or improvement of the economic, social or environmental well-being of the area.

APPENDIX 2

Report on supplementary tender for the disposal of Beeston Town Hall.Introduction

The Council's Policy and Performance Committee considered a report on tenders received from two community organisations wishing to purchase or lease the Town Hall at its meeting on 4th July. As both bids fell short of valuations prepared by the Council's independent advisors and failed to demonstrate sufficient compensatory community benefit, it was resolved to continue working with both groups to explore ways in which their bids might be improved and to consider the possibility of a joint proposal.

Action taken

The two bidders – Cornerstone/Redeemer Church ("Cornerstone") and Beeston Town Hall Community Project ("BTHCP") – attended a meeting and site visit on 25th July hosted by the Interim Deputy Chief Executive and supported by the Interim Regeneration Project Manager. Immediately afterwards, the two groups adjourned together to consider collaboration opportunities. The date set for return of the supplementary tenders was confirmed as 22nd August. The evaluation criteria remained unchanged from the previous round of bidding.

Outcome

Prior to the deadline, BTHCP wrote to decline the opportunity to refine their tender. A revised tender was received from Cornerstone.

Evaluation

In the absence of new material, BTHCP's bid evaluation remains as reported to the July Committee, save for the commercial element (price), which was reduced in light of Cornerstone's improved financial offer (to the lower end of the independent commercial valuations previously provided by Hebs and Innes England and previously reported to members of Policy and Performance Committee). Cornerstone's new bid was freshly evaluated by the Interim Deputy Chief Executive and Interim Regeneration Project Manager as a stand-alone document.

The resultant weighted scores are (*Changes from previous bid in italics*):

BTHCP	Raw score (0-4)	Weighting	Product
Commercial	<i>0.94</i>	35	33
Organisation robustness	0	10	0
Financial standing	0	15	0
Proposed use	1	15	15
Business Case	1	20	20
Community benefit	1	5	5
TOTAL (% = weighted total / 295 maximum possible weighted score)			73 (24.75%)

Score from previous bid: 75 (25.86%)

It should be noted, of course, that the scores of zero above are not a reflection on the individuals involved in the BTHCP bid, or on the organisations they are associated with, but reflect that the proposed CIO has yet to be fully established and has no financial track record of its own.

Cornerstone	Raw score (0-4)	Weighting	Product
Commercial	1	35	35
Organisation robustness	3	10	
Financial standing	3	15	45
Proposed use	3	15	45
Business Case	2	20	40
Community benefit	3	5	15
TOTAL (% = weighted total / 295 maximum possible weighted score)			180.00 (61.02%)

Score from previous bid: 165.625 (56.14%)

Cornerstone's revised bid scored significantly higher than that carried forward from the previous round and submitted by BTHCP. This reflects both the improved offer price and improved community offer.

Recommendation

Both valuers advising the Council commented that the Town Hall is an unusual property and that the potential market is as limited as it is potentially diverse. They also remarked on a paucity of sound comparable transactions on which to base their figures. Accordingly, the only true way to test value is by exposing the property to the market. Were this to be done, the advisors considered that a higher value than that reported may well be achieved.

As a counterpoint to this, the Council's Land and Property Disposals Policy requires that consideration be given to a number of non-commercial uses (such as to community groups and charities) prior to offering a property for sale (Policy LD07). Further, policy LD08 provides for below-value transactions if sufficient collateral benefits aligned to the Council's priorities will arise.

Cornerstone's bid has demonstrated significant community benefit (scoring 3 out of a possible 4 marks). Further – and whilst not forming part of the evaluation criteria – its proposal includes for retention of the Town Hall in substantially current form and significant community permeability; something for which there is strong local feeling.

It is therefore recommended that the Town Hall be sold to Cornerstone at the proposed offer price.

It is further recommended that a development restriction be included in the sale agreement.

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