

Report of the Portfolio holder for Economic Development and Asset Management

CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD PLAN: BROXTOWE BOROUGH COUNCIL REGULATION 16 CONSULTATION RESPONSE

1. Purpose of Report

To seek the approval of Cabinet for representations to be made in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) by Broxtowe Borough Council in respect of the Chetwynd: The Toton and Chilwell Neighbourhood Plan, in order that these can be considered by the Independent Examiner during the Independent Examination of this Neighbourhood Plan.

2. Recommendation

The Cabinet is asked to RESOLVE that the submission of representations, as drafted, to be made in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) by Broxtowe Borough Council in respect of the Chetwynd: The Toton and Chilwell Neighbourhood Plan be approved.

3. Detail

The Chetwynd: The Toton and Chilwell Neighbourhood Forum has prepared a draft of a neighbourhood development plan for the Chetwynd: The Toton and Chilwell Neighbourhood Area (the 'Chetwynd: The Toton and Chilwell Neighbourhood Plan').

The Chetwynd: The Toton and Chilwell Neighbourhood Area covers two very large and important strategic Part 2 Local Plan site allocations: The Strategic Location for Growth at Toton and Chetwynd Barracks. These sites will also be progressed by the new East Midlands Locally-Led Urban Development Corporation (LLUDC), once this has been established through new legislation. Any new policies in relation to this area will therefore be of major importance to the Borough.

On 24 November 2021, the draft neighbourhood development plan was submitted to Broxtowe Borough Council, under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). In accordance with Regulation 16, Broxtowe Borough Council is currently inviting comments on the draft Chetwynd: The Toton and Chilwell Neighbourhood Plan, for the period until 5 August 2022. This consultation period has been extended by two weeks (from the minimum six weeks required by legislation) to allow interested parties more time to make representations. Any residents, businesses, statutory consultees or other organisations make submit representations in relation to the neighbourhood development plan.

The Borough Council has appointed an Independent Examiner to undertake the Independent Examination of the Chetwynd: The Toton and Chilwell Neighbourhood Plan. Once the Regulation 16 consultation has concluded, any representations received will be forwarded directly to the Independent Examiner so that they can consider whether the Plan accords with the 'Basic Conditions' as set out within legislation. The established method for any parties to make the Independent Examiner aware of any concerns that they may have is by making representations in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Broxtowe Borough Council is very grateful for the very substantial amount of work that the Chetwynd: The Toton and Chilwell Neighbourhood Forum and the local community have undertaken in researching and drafting the Chetwynd: The Toton and Chilwell Neighbourhood Plan. This has clearly taken a very considerable amount of time by a large number of volunteers within the local community and the Borough Council greatly appreciates the hard work of all involved. The Plan is a very comprehensive and well-presented document, which will form the basis for helping to take important planning decisions.

However, in order to ensure that the full potential of the Neighbourhood Plan can be realised and that its policies do not result in adverse unintended consequences, the Borough Council would like to strongly recommend to the Independent Examiner that the wordings of some policies should be reviewed and, where necessary, clarified, through the process of Independent Examination. Representations have been drafted to advise the Independent Examiner of issues that the Borough Council has identified in order that the policies and supporting text of the Neighbourhood Plan can be further improved to the benefit of the local community, Neighbourhood Area and wider Borough.

Within these representations, the Borough Council has set out some general recommendations, as well as some concerns in relation to some policies and / or potential implications, were the Neighbourhood Plan not to be further amended or clarified. Cabinet is asked for approval for these representations, included in full as a background document, to be submitted in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

4. Financial Implications

There are no financial implications at this stage in the submission of representations. Whilst there may be future costs should the Neighbourhood Plan fail to meet the 'Basic Conditions', these would be difficult to quantify at this stage. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood

development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Council 's (as the Local Planning Authority) responsibilities as:

- Designating a forum
- Designating the area of the Neighbourhood Development Plan.
- Advising or assisting communities in the preparation of a neighbourhood plan
- Checking a submitted plan meets the legal requirements
- Arranging for the independent examination of the plan
- Determining whether the neighbourhood plan meets the basic conditions and other legal requirements
- Subject to the results of the referendum/s bringing the plan into force

Regulation 16, as set out in the Neighbourhood Planning (General) Regulations 2012, require that any representations made during the consultation period for Neighbourhood Plans must be submitted, with a summary of the main issues raised for due consideration.

6. Human Resources Implications

There are no HR implications.

7. Union Comments

N/A.

8. Data Protection Compliance Implications

Any representations prepared and submitted by the Borough Council would be shared with the Independent Examiner as required by legislation. Any representations prepared by any party in accordance with regulation 16 of the Neighbourhood Planning (General) regulations 2012 (as amended) cannot be treated as confidential and would be made available for public inspection at the Council Offices.

9. Equality Impact Assessment

Not applicable as no new or amended policy is proposed.

10. Background Papers

Nil