

Report of The Portfolio Holder for Economic Development and Asset Management

TOTON AND CHETWYND BARRACKS STRATEGIC MASTERPLAN SUPPLEMENTARY PLANNING DOCUMENT

1. Purpose of Report

To seek the resolution of Council to adopt the amended Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD).

2. Recommendation

Cabinet is asked to RECOMMEND to Council that the Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document, as amended, be adopted by the Council.

3. Detail

The Council, in conjunction with the emerging East Midlands Development Corporation (EM DevCo CLG) has prepared a SPD for the Toton and Chetwynd Barracks sites.

There are several stages in preparing an SPD. These are set out within the Town and Country Planning (Local Planning) (England) Regulations 2012 and include consulting the local community for a period of not less than four weeks.

This document was published, alongside a Consultation Statement (as required by the legislation), for public consultation between 1 November 2021 and 14 January 2022 (to comply with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The public consultation period was extended as the government's Integrated Rail Plan (IRP) was published during this time (on 18 November 2021).

The Toton and Chetwynd Barracks Strategic Masterplan SPD was considered by members at a meeting of the Council's Policy Advisory Working Group on Thursday 28 July 2022 and then subsequently at a further meeting with Members. The document has been amended as proposed, agreed by Members at these meetings and is appended to this report (see appendix 4 circulated separately with this agenda).

Supplementary Planning Documents set out further information and guidance in relation to Local Plan policies. They are not 'policy' and do not form a part of the development plan. However, once adopted, the SPD will be a 'material consideration' in the determination of planning applications.

The Environment Agency, Historic England and Natural England have been consulted on whether the SPD is likely to have significant environmental effects such that it would require Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA) and a Screening Determination (see appendix 2)

made in light of their responses (see Annex to appendix 2). None of the consultees considered that SEA or HRA would be required and officers concur.

The consultation can be found at Appendix 3 circulated separately with this agenda.

4. Financial Implications

The comments from the Head of Finance were as follows:

There are no financial implications at this stage, although a failure to adopt the Supplementary Planning Document may affect future funding applications in respect of the subject area. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Head of Legal were as follows:

Legislation in relation to the preparation of Supplementary Planning Documents is set out within the Town and Country Planning (Local Planning) (England) Regulations 2012.

Regulation 11 provides that any person with sufficient interest in the decision to adopt a Supplementary Planning Document may apply to the High Court for permission to apply for judicial review of that decision; any such application must be made promptly and in any event not later than 3 months after the date on which the Supplementary Planning Document was adopted.

The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) prohibit the adoption of plans, programmes or modifications before a determination has been made as to whether it is likely to have significant environmental effects. Furthermore, the regulations require that the Environment Agency, Historic England and Natural England are consulted on this.

6. Human Resources Implications

There are no HR implications.

7. Union Comments

N/A.

8. Data Protection Compliance Implications

N/A.

9. Equality Impact Assessment

The Equality Impact Assessment can be found at Appendix 1.

10. Background Papers

Nil

APPENDIX 1

Equality Impact Assessment

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with. It also strengthens the law in important ways, to help tackle discrimination and promote equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as

employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive	Lead officer responsible for EIA	Steve Simms
Name of the policy or function to be assessed:	Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD)		
Names of the officers undertaking the assessment:	Steve Simms		
Is this a new or an existing policy or function?	New		
<p>1. What are the aims and objectives of the policy or function?</p> <p>Provide a Strategic Masterplan as a high-level overarching framework to co-ordinate the delivery of the Toton (land in the vicinity of the proposed station) and Chetwynd Barracks site allocations, including up to 4,500 homes, thousands of jobs, and the community facilities, services and infrastructure to support them.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>Comprehensive and co-ordinated development across Chetwynd Barracks and the land in the vicinity of the station at Toton and high-quality design outcomes.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>The whole existing and future community and the wider regional economy.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>The whole existing and future community and the wider regional economy.</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Equality impact assessment for the Aligned Core Strategy and Part 2 Local Plan.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Consultation responses to the draft SPD.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p>			

Concerns about risk of road traffic accidents involving people travelling to local schools, gradients complying with standards, encouragement of walking, cycling and public transport links.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

People travelling to schools are mostly younger, gradients affect people with limited mobility or who use pushchairs to a greater extent, and walking, cycling and public transport are used more by older people, women and people with caring responsibilities for children or older people.

Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?

No.

Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

Yes.

Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

Young people travelling to school often have no choice and must use the footways or paths serving the school. Steep gradients may exclude people with limited mobility or who use pushchairs. Poor walking, cycling and public transport may exclude older people, women and people with caring responsibilities.

Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

Yes, by creating shared social and sporting spaces and by facilitating a choice of modes of transport suitable for as wider a range of people as possible.

What further evidence is needed to understand the impact on equality?

Further information on transport and facilities will be submitted with the planning applications, in respect of which the SPD will be a material consideration.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: Have regard to pedestrian safety standards and public transport accessibility.

Disability: Have regard to gradients and accessibility.

Gender: Have regard to community safety and public transport accessibility.

Gender Reassignment: None.

Marriage and Civil Partnership: None.

Pregnancy and Maternity: None.

Race: None.

Religion and Belief: Consider accessibility to places of worship.

Sexual Orientation: None.

Executive Director:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:

APPENDIX 2

**Strategic Environmental Assessment
(SEA) / Habitats Regulations
Assessment (HRA) Screening Report
prepared in relation to the Toton and
Chetwynd Barracks Strategic
Masterplan Supplementary Planning
Document**

**Prepared by Broxtowe Borough Council
September 2022**

1.0 Introduction

- 1.1 This Screening Report has been prepared by Broxtowe Borough Council (BBC) in relation to the final version of the Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD).
- 1.2 This SPD was published, alongside a Consultation Statement, for public consultation between 1 November 2021 and 14 January 2022 (to comply with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The public consultation period was extended as the government's Integrated Rail Plan (IRP) was published during this time (on 18 November 2021).
- 1.3 The requirement for a Strategic Environment Assessment (SEA) is set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended, including through EU Exit legislation) which implements the requirements of the European Directive 2001/42/EC. Regulation 5 of the Directive sets out the types of plans that require an environmental assessment, which includes those that set the framework for future development consent. Regulation 5 (6) provides an exemption and states that an environmental assessment need not be carried out: (a) for a plan or programme which determines the use of a small area at local level; or (b) for a minor modification to a plan or programme, unless it has been determined that the plan, programme or modification, as the case may be, is likely to have significant environmental effects.
- 1.4 Section 39 of the Planning and Compulsory Purchase Act 2004 requires local authorities to undertake a Sustainability Appraisal (SA) for Development Plan Documents and SPDs. However, the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 removes the automatic need for an SA of SPDs. This is because SPDs do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal. National Planning Practice Guidance confirms that SPDs do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.
- 1.5 SEA/SAs are undertaken during preparation of plans or programmes and their purpose is to assess the sustainability of emerging plans or programmes. EU Directive 2001/42/EC requires the Strategic Environment Assessment (SEA) of the environmental effects of certain plans and programmes on the environment.
- 1.6 The SEA Directive '*seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.*' The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations (the 'SEA Regulations') and it is these regulations that the SPD will need to be compatible with.

- 1.7 EU law has ceased to apply in the United Kingdom under the terms of the Withdrawal Agreement and EU Treaties. The European Union (Withdrawal) Act 2018 (EUWA) has established a new body of domestic law known as retained EU law. Beyond the transition period, the SEA Regulations, which previously implemented the requirements of the SEA Directive in England, will continue to apply as before, unless and until new legislation is introduced.
- 1.8 Further guidance on applying European Directive 2001/42/EC ‘on the assessment on the effects of certain plans and programmes on the environment’ is set out within a [‘Practical Guide’](#), published by the former Office of the Deputy Prime Minister in 2006.

2.0 Screening Process

- 2.1 There are three steps to the screening process. These are:
1. Prepare a screening report
 2. Request a screening opinion from the consultation bodies in light of this report
 3. In light of their responses, determine whether the SPD is likely to have significant effects on the environment (and therefore requires an SEA).
- 2.2 When determining whether an SPD requires an SEA, the SEA Regulations require that the criteria set out in Schedule 1 of the SEA Regulations be considered.
- 2.3 These are the criteria *‘for determining the likely significance of effects on the environment’*.
- 2.4 These criteria are split into two categories:
- those relating to the characteristics of the plan; and
 - those relating to the characteristics of the effects and area likely to be affected.

Plan Characteristics

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development
- environmental problems relevant to the plan or programme
- the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

Effects and Area Characteristics

- the probability, duration, frequency and reversibility of the effects
- the cumulative nature of the effects
- the transboundary nature of the effects
- the risks to human health or the environment (for example, due to accidents)
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
- the value and vulnerability of the area likely to be affected due to:
 - o special natural characteristics or cultural heritage
 - o exceeded environmental quality standards or limit values
 - o intensive land-use
- the effects on areas or landscapes which have a recognised national, community or international protection status.

2.5 The assessment of effects should be undertaken in a proportionate way and it is acknowledged that at this stage there may be gaps in data. That should only be a problem if the gaps or uncertainties are such that it is not possible to reasonably assess the likely significant effects of a Plan. Enough information needs to be included so that the consultation bodies can take a view on the likely significant effects of implementing the plan. The SEA Regulations set out a range of issues that could be addressed in the environmental report if SEA is required.

3.0 Key Information on the Toton and Chetwynd Barracks Strategic Masterplan SPD

3.1 The Toton and Chetwynd Barracks Strategic Masterplan SPD sets out additional planning guidance for the development of the Toton and Chetwynd Barracks sites, but does not include additional policy requirements over and above those contained within the strategic policies of the development plan for the area, which comprises the [Broxtowe Aligned Core Strategy \(ACS\)](#), which was subject to SEA ([Sustainability Appraisal](#)) during its preparation, and the adopted [Broxtowe Part 2 Local Plan](#), which was also subjected to a full process of [Sustainability Appraisal](#).

3.2 Policies 3.1 and 3.2 of the Broxtowe Part 2 Local Plan (LP), adopted in October 2019, are of particular relevance to this SPD, as these set out the main policy requirements for the Toton and Chetwynd Barracks sites, which this SPD provides additional guidance in relation to.

3.3 The final version of the Toton and Chetwynd Barracks Strategic Masterplan SPD was produced by Broxtowe Borough Council in September 2022. Additional supporting information, including the Consultation Statement, and other background documents can be viewed on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/toton-and-chetwynd-barracks-strategic-masterplan-supplementary-planning-document-spd/>.

4.0 SEA Screening Assessment

4.1 Broxtowe Borough Council, as the 'responsible authority', considers that the Toton and Chetwynd Barracks Strategic Masterplan SPD is within the scope of the SEA Regulations since it is a plan that:

- is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2)
- is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4)

4.2 A determination under Regulation 9 is therefore required as to whether the Toton and Chetwynd Barracks Strategic Masterplan SPD is likely to have significant effects on the environment.

4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations include two sets of characteristics for determining the likely significance of effects on the environment:

- the characteristics of the plan itself, and,
- the characteristics of the effects and of the area likely to be affected by the plan

4.4 This screening assessment is structured in the following table according to the criteria specified in Schedule 1 of the Regulations:

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence	
1.The characteristics of plans, having regard, in particular, to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The SPD does not allocate any sites for development or introduce additional policy requirements over and other those set out within the development plan. It provides additional guidance to development plan policies, including Part 2 LP Policies 3.1 and 3.2, both of which were subjected to extensive processes of Sustainability Appraisal and were tested through the LP Examination stage; additional significant environmental effects are therefore considered to be unlikely. Any additional growth at the Toton and Chetwynd Barracks sites, over and above that allocated within the Broxtowe Aligned Core Strategy (ACS) and Part 2 LP will only be allocated within a review of the Local Plan (for example as a part of the review of the ACS, the Greater Nottingham Strategic Plan) and not through this SPD.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	This SPD is a lower tier document which provides additional guidance to LP policies. It does not seek to influence other plans, such as those at a higher level, including the Broxtowe ACS and Broxtowe Part 2 LP.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD seeks to promote the objectives of sustainable development. It is not specifically relevant as a plan for integrating environmental considerations. Any development proposed must also be in accordance with the environmental protection policies in the adopted Broxtowe ACS, adopted Broxtowe Part 2 LP and the NPPF.
(d) environmental problems relevant to the plan	No	There are no existing specific environmental problems relevant to this SPD that have not been identified and assessed through the higher-level ACS and the adopted Broxtowe Part 2 LP and their accompanying processes of SA/SEA.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	This SPD is not relevant as a plan for implementing community legislation on the environment. It does not relate to waste management or water protection.

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence	
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	No	Additional development is not proposed by the SPD. The guidance within the SPD applies to the main built-up urban area and is consistent with the higher level policies of the Broxtowe ACS and Part 2 LP, which were subjected to processes of SA. Additional significant environmental effects are therefore considered unlikely.
(b) the cumulative nature of the effects	No	Cumulative effects are unlikely as new policies are not proposed.
(c) the transboundary nature of the effects	No	There will be no trans-boundary effects as a result of the guidance set out within the SPD.
(d) the risks to human health or the environment (for example, due to accidents)	No	<p>Significant risks to human health or the environment are considered to be very unlikely, due to the nature of the area, which is largely greenfield. The Chetwynd Barracks site is currently in use as a Ministry of Defence (MOD) base, but this will be released from the MOD estate within the next few years. Large parts of the original (larger) MOD base (to the south) have already been released from the MOD estate and are now in residential and office uses. Large parts of the Chetwynd Barracks sites are effectively greenfield in nature and large parts of the site are in residential use (for MOD staff). Other parts of the site are used for storage by the MOD. The development allocated by the development plan and to be guided by the SPD includes housing, and buildings for employment, retail and community uses, all of which would be low risk to both human health and the environment.</p> <p>Parts of the Toton site (primarily within the railway corridor) are within Flood Zones 2 or 3. The majority of the Toton and Chetwynd Barracks sites is located outside of these zones.</p> <p>Electricity lines cross parts of the Toton site, but neither major gas pipelines nor trunk water mains cross the sites.</p> <p>In conclusion, the risk of accidents is therefore considered to be very low.</p>

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence	
2 (continued). Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD applies only to the Toton and Chetwynd Barracks sites, rather than the wider borough and so the magnitude and spatial extent of any effects is likely to be very limited.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	No	There is a Conservation Area (Sandiacre Lock), which is located to the north west of the Toton site, largely outside of the site. It is considered that guidance within the SPD will provide additional protection to this area. Part of the area is within or adjacent to the Nottingham Urban Area Agglomeration Zone, but is not within or adjacent to any Air Quality Management Areas. The SPD contains guidance to provide additional protection to the natural and built environment of the area and to facilitate the development of public transport infrastructure. The sites, in common with the entire southern part of the Borough, are within a 'Smoke Control Area'. In summary, no significant environmental effects are considered likely.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	No parts of the area are within or adjacent to any internationally or nationally designated areas. There is no AONB (Area of Outstanding Natural Beauty) nearby. A small part of the Toton Fields Local Nature Reserve is located within the Toton site, along its southern and eastern boundary. However, the guidance within the SPD should facilitate the protection of this area. There are Local Wildlife Sites within and adjacent to the western part of the Toton site and a smaller (1.27 hectare) Local Wildlife Site adjacent to the eastern boundary of the Chetwynd Barracks site. Guidance within the SPD will facilitate the protection of these Sites. There are no Local Geological Sites or Sites of Special Scientific Interest (SSSIs) within the boundaries of the sites.

		<p>There is a Conservation Area (Sandiacre Lock), which is located to the north west of the Toton site, largely outside of the site. It is considered that guidance within the SPD will provide additional protection to this area.</p> <p>The 'Memorial to workers of the National Filling Factory No.6, Chilwell', located within the Chetwynd Barracks site, is Grade II listed. The SPD also identifies a number of Non-Designated Heritage Assets within the Chetwynd Barracks site. These assets will be afforded further protection by guidance within the SPD.</p>
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5.0 SEA Screening Decision

5.1 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects.

5.2 The responsible authority shall:

- (a) take into account the criteria specified in Schedule 1 to these Regulations, and:
- (b) consult the consultation bodies.

5.3 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.

5.4 Having taken into account the views of the consultation bodies (see Annex), Broxtowe Borough Council considers that the Toton and Chetwynd Barracks Strategic Masterplan SPD is unlikely to have significant environmental effects and thus does not require a Strategic Environmental Assessment (SEA).

5.5 This decision (as confirmed following by the consultation bodies: the Environment Agency, Historic England and Natural England) has been made for the following key reasons:

- The Toton and Chetwynd Barracks Strategic Masterplan SPD does not allocate any sites for development or introduce new policy requirements. As an SPD, it is a lower tier document which provides additional guidance to adopted Local Plan policies, which were subjected to rigorous processes of Sustainability Appraisal.
- The guidance set out within the document is considered to be unlikely to influence development in ways which would be harmful to the environment.
- The emphasis of the guidance within the SPD is generally towards the conservation, protection and enhancement of the environment and protection of the heritage of the area and to facilitating sustainable development. There is also considerable emphasis on the transition to 'Net-Zero Carbon' development.

6.0 Habitats Regulations Assessment (HRA) Screening

6.1 The Borough Council has also 'screened' to assess whether the SPD requires an 'appropriate assessment' under the Habitats Regulations in accordance with Regulation 105 of the [Conservation of Habitats and Species Regulations 2017](#), as amended by the [Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#).

- 6.2 Regulation 105 requires that where a land use plan:
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of the site,
- the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.
- 6.3 In determining whether an 'appropriate assessment' is required, the Local Planning Authority has taken a number of factors into consideration. These are considered below.
- 6.4 There are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within the boundary of the SPD area.
- 6.5 The Toton and Chetwynd Barracks Strategic Masterplan SPD only applies to a small geographical area and provides additional guidance to adopted Local Plan policies, rather than new policy.
- 6.6 A [Habitats Regulations Assessment \(HRA\)](#) accompanied the Broxtowe Borough Aligned Core Strategy, for the period until 2028. An updated [HRA](#) was undertaken and published in November 2018, in relation to the Submission Version of the Broxtowe Part 2 Local Plan. This was produced following the European Court of Justice ruling on the 'People Over Wind' case (Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta), which provided a new interpretation of when and how mitigation measures should be considered. The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures.
- 6.7 The HRA that accompanied the Broxtowe Borough Part 2 Local Plan for the period until 2028, concluded that the development proposed in the Part 2 Local Plan will not lead to likely significant effects either alone or in-combination with other plans or programmes.
- 6.8 The HRA took a precautionary approach and assessed the prospective Special Protection Area (SPA) of Sherwood Forest (which does not represent a formal European site (defined by Regulation 8 of the Habitats Regulations)) as though fully classified. The SPA extends across a wide expanse of land to the north of the borough (located within the Gedling Borough and Ashfield District Council administrative areas).
- 6.9 This HRA (for the Part 2 Local Plan) assessed the impact of the allocations for 7,249 new homes (across the entire Borough) over the plan period and whilst this increased to 7,512 overall (including a 300 dwelling windfall allowance) following the Main Modifications, the broad locations and distribution for new

housing remain unaltered from those in the Aligned Core Strategy. There has been an increase in the urban south of the Borough (Main Built up Area of Nottingham) and a decrease of dwellings proposed for the Key Settlements in the north of the Borough.

- 6.10 This HRA update concluded that the conclusions in the HRA remain valid and were further strengthened through the Main Modifications to the Part 2 Local Plan, including from the fact that numbers for the three (Part 2 Local Plan) allocations within 5km of the only vulnerable site, Sherwood Forest prospective SPA, had actually fallen. Toton and Chetwynd Barracks are located further away from this site.
- 6.11 Broxtowe Borough Council is satisfied, (subject to any representations which may be received by Natural England in relation to this Screening Report), that the Toton and Chetwynd Barracks Strategic Masterplan SPD will have no likely significant effect on sites applicable to HRA.

Conclusions

- 6.12 In consideration of the small geographical area affected by the Toton and Chetwynd Barracks Strategic Masterplan SPD, the fact that this document provides guidance to adopted Local Plan policies rather than additional policy requirements, and the significant distance from the one (unconfirmed) European site well outside the SPD boundary, the HRA screening concludes that the Toton and Chetwynd Barracks Strategic Masterplan SPD is not likely to have significant effects on any EU designated sites, either alone or in combination with other plans and projects.
- 6.13 It has therefore been concluded, taking into account representations received from Natural England, that the Toton and Chetwynd Barracks Strategic Masterplan SPD will have no likely significant effect on sites applicable to HRA, and so an 'appropriate assessment' would not be required.

Annex: Opinions of the Consultation Bodies

Date: 16 September 2022
Our ref: 405992
Your ref: None



Steve Simms
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Dear Mr Simms,

**Planning consultation: Broxtowe Local Plan - Toton & Chetwynd Barracks Masterplan
Supplementary Planning Document (SPD): SEA & HRA Screening Consultation**

Thank you for your consultation on the above dated 01 September 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) for the Toton & Chetwynd Barracks Masterplan Supplementary Planning Document (SPD).

We can confirm that it is considered unlikely that any significant environmental effects will result from the implementation of SPD that were not identified and assessed through the adopted Aligned Nottinghamshire Core Strategy and Broxtowe Part 2 Local Plan and their accompanying SA/SEA. As the SPD is unlikely to have significant environmental effects it would not require further Strategic Environmental Assessment (SEA).

Natural England also agrees with the report's conclusions that the Toton & Chetwynd Barracks Masterplan SPD would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

If you have any queries relating to the advice in this letter please contact me on 02080268500

Yours sincerely

Roslyn Deeming
Senior Planning Adviser – Strategic Plans for Places
East Midlands Area

Steve Simms

From: Fletcher, Clive [REDACTED]
Sent: 22 September 2022 15:54
To: Steve Simms
Cc: Midlands ePlanning
Subject: RE: SEA/HRA Screening Consultation: Toton and Chetwynd Barracks Strategic Masterplan SPD

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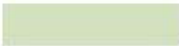
Dear Mr Simms,
Thank you for your message consulting Historic England on the SEA screening for Toton and Chetwynd Barracks Strategic Masterplan SPD.

On the basis of the submitted information, Historic England advise that SEA should not be required for historic environment reasons. We note however that buildings taller than the 6 storey upper end of the range are cited as a possibility around the station, but that this isn't quantified. This brings with it the potential for impacts that will be dependent on the height of such development, and we advise that separate assessments for any such proposals may be necessary in future.

We welcome the commitment to maintaining and revealing the significance of the site's heritage assets in the plan, and advise that in order to deliver this ongoing historic environment curatorial advice will be needed.

Yours sincerely,

Clive Fletcher


Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

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Mr Steve Simms - Planning Manager
Broxtowe Borough Council
Planning Policy
Town Hall Foster Avenue
Beeston
Nottingham
NG9 1AB

Our ref: LT/2011/113450/SE-02/SC1-L01

Your ref:

Date: 23 September 2022

Dear Mr Simms

SEA/HRA Screening Consultation: Toton and Chetwynd Barracks Strategic Masterplan SPD

Thank you for giving us the opportunity to comment on the SEA/HRA screening consultation and please find our comments detailed below.

Environment Agency position

Please note that we gave our feedback on the draft Toton and Chetwynd Barracks Strategic Masterplan SPD in December 2021. It appears that our comments have been taken on board in the latest iteration published in September 2022.

The SEA/HRA Screening Report published September 2022 confirms that the SPD does not include any additional policy requirements over and above those contained within the relevant strategic documents.

The Broxtowe Aligned Core Strategy (ACS) was subject to SEA and the adopted Broxtowe Part 2 Local Plan was subject to the full process of Sustainability Appraisal.

The gov.uk website within the Strategic environmental assessment and sustainability appraisal guidance in paragraph 008 states:

Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies.

Bearing this in mind and having read the information presented within the SPD we do not believe that there is likely to be any significant environmental impacts that have not already been addressed through the relevant strategic documents as highlighted above.

Yours sincerely

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..